

FACE SHEET (Notification Date: 05-DEC-2017) - LOG #1087744

Type: INFO

Reporting Party Information

Role	Name	Star No.	Emp No.	Unit No.	Position	Sex	Race	Address	Phone
NON-CPD Reporting Party Third Party		-	-	-	-	MALE	-	BUSINESS: [REDACTED] CHICAGO, IL 60607 Beat 1214 US	[REDACTED]

Incident Information

Incident From Date/Time	Address Of Incident	Beat	District Of Occurrence	Location Code	Location Description
11-JUL-2004 11:25 - 11-JUL-2004 11:25	527 E. BROWNING AVE, CHICAGO, IL 60653	212	002	122 -CHA HALLWAY/STAIRWELL/ELEVATOR	-
23-MAR-2005 15:49 - 23-MAR-2005 15:49	527 E. BROWNING AVE, CHICAGO, IL 60653	212	002	122 -CHA HALLWAY/STAIRWELL/ELEVATOR	-
11-DEC-2005 12:12 - 11-DEC-2005 12:12	511 E. BROWNING AVE, CHICAGO, IL 60653	212	002	123 -CHA PARKING LOT/GROUNDS	-

Accused Members

Role	Name	Star No.	Emp No.	Unit No.	Position	Status	Allegations
CPD Employee Accused	YOUNG, KENNETH	-	[REDACTED]	018 / -	DETENTION AIDE	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	JONES, ALVIN	815	[REDACTED]	005 / 212	SERGEANT OF POLICE	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	NICHOLS JR, DOUGLAS	12415	[REDACTED]	002 / -	POLICE OFFICER	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	LEANO, MANUEL	4303	[REDACTED]	002 / -	POLICE OFFICER	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	BOLTON, BRIAN	15903	[REDACTED]	017 / -	POLICE OFFICER	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	GONZALEZ, ROBERT	12152	[REDACTED]	002 / -	POLICE OFFICER	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	SMITH JR, ELSWORTH	11737	[REDACTED]	002 / -	POLICE OFFICER	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	CABRALES, MIGUEL	10719	[REDACTED]	009 / -	POLICE OFFICER	-	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	MOHAMMED, KALLATT	-	[REDACTED]	002 / 376	POLICE OFFICER	ON Duty	It is alleged that the accused officer falsely arrested the victim.
CPD Employee Accused	WATTS, RONALD	-	[REDACTED]	002 / -	SERGEANT OF POLICE	ON Duty	It is alleged that the accused officer falsely arrested the victim.

Incident Details

CR Required? No	Manner Incident Received? Email - PO WHERFEL
Confidential? No	Biased Language? No
Extraordinary Occurrence? No	Bias-Based Profiling? No
Police Shooting (U) ? No	
Motor Vehicle (V) ? No	Alcohol Related? No
Non-Disciplinary Intervention No	Pursuit Related? No
Initial Assignment COPA	Violence in Workplace? No
Notify IAD Immediately? No	Domestic Violence? No
EEO Complaint No.	
Civil Suit No.	

Notify Chief Administrator? **No** Notify Chief? **No**
 Notify Coordinator? **No** Notification Does Not Apply? **Yes**
 Notification Other **No**

Initial Incident Category List

Initial Incident Category	Primary? ▼
03D - ILLEGAL ARREST / FALSE ARREST	Yes

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
COPA	COPA SQUAD 15	MASTERS, GREG (PRIMARY INV)	30-MAR-2018 10:05	BECKNEK, ANTHONY	-
COPA	COPA SQUAD 15	BRETT, ELIZABETH (PRIMARY INV)	11-DEC-2017 11:11	BECKNEK, ANTHONY	-
COPA	COPA SQUAD 15	BECKNEK, ANTHONY (SUPERVISOR)	06-DEC-2017 14:18	PFEIFER, ADAM	-
COPA	COPA SQUAD 15	-	06-DEC-2017 14:18	PFEIFER, ADAM	-
COPA	CIVILIAN OFFICE OF POLICE ACCOUNTABILITY	-	05-DEC-2017 16:15	BRETT, ELIZABETH	-

Status History

☒ TIP Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Assigned/ Detailed Unit	Comments
ADMINISTRATIVELY CLOSED	01-MAY-2018 15:34	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-
CLOSED AT C.O.P.A.	30-APR-2018 10:40	BECKNEK, ANTHONY	SUPERVISING INVESTIGATOR	113 / -	-
PENDING ASSIGN INVESTIGATOR	06-DEC-2017 14:18	PFEIFER, ADAM	SUPERVISING INV COPA	113 / -	-
PENDING ASSIGN TEAM	06-DEC-2017 14:18	PFEIFER, ADAM	SUPERVISING INV COPA	113 / -	-
PENDING SUPERVISOR REVIEW	06-DEC-2017 11:39	BRETT, ELIZABETH	INVESTIGATOR 3 COPA	113 / -	-
PRELIMINARY	05-DEC-2017 16:15	BRETT, ELIZABETH	INVESTIGATOR 3 COPA	113 / -	-

[< Return](#)

Log No: 1087744 Type:INFO

Investigation Conflict Certification

I hereby certify that to the best of my knowledge, neither I, nor my spouse or domestic partner, my parent, my sibling or my child (hereinafter my household or immediate family), has a personal, professional (outside of Department business) or financial relationship with the victim/subject/detainee(s), reporting parties, accused/involved department member(s), witness department member(s), or civilian witness(es).

I further certify that to the best of my knowledge, the resolution of the matter under investigation will not positively or negatively affect my financial interests or the financial interest of any member of my household or immediate family.

I acknowledge that I must disclose to the head of the Internal Affairs Division or the head of the Independent Police Review Authority, in writing, the acquisition of any financial interest or the development or the discovery of any personal interest that would directly affect my ability to conduct an impartial objective investigation and render unbiased decisions concerning the matter under investigation.

I acknowledge that I must disclose to the head of the Internal Affairs Division or the head of the Independent Police Review Authority, in writing, the discovery that a member of my household or immediate family has a personal, professional or financial relationship with the victim/subject/detainee(s), reporting parties, accused/involved department member(s), witness department member(s), or civilian witness(es) or if a member of my household or immediate family will be positively or negatively affected by the resolution of the matter under investigation.

Signed by

Detailed Unit N/A

Signed by BECKNEK, ANTHONY Star No. N/A

Employee No. [REDACTED]

Entered Date/Time 11-DEC-2017 11:11

Position SUPERVISING INVESTIGATOR Assigned Unit 113

[< Return](#)

Log No: 1087744 Type:INFO

Investigation Conflict Certification

I hereby certify that to the best of my knowledge, neither I, nor my spouse or domestic partner, my parent, my sibling or my child (hereinafter my household or immediate family), has a personal, professional (outside of Department business) or financial relationship with the victim/subject/detainee(s), reporting parties, accused/involved department member(s), witness department member(s), or civilian witness(es).

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Signed by

Detailed Unit N/A

Signed by BRETT, ELIZABETH Star No. N/A

Employee No. [REDACTED]

Entered Date/Time 27-DEC-2017 16:43 Position INVESTIGATOR 3 COPA Assigned Unit 113

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS)

vs.)

No.: 06 CR 810

Defendant/Petitioner)

ORDER GRANTING CERTIFICATE OF INNOCENCE

This cause comes before the Court on the Defendant/Petitioner's Petition for Certificate of Innocence pursuant to 735 ILCS 5/2-702. The Court being fully advised finds by a preponderance of evidence that:

1. The Defendant/Petitioner was convicted of one or more than one felonies by the State of Illinois in the County of Cook and was subsequently sentenced to a term of imprisonment, and has served all or any part of the sentence;

2. ☒ The Defendant/Petitioner's judgment or conviction was reversed or vacated, and the indictment or information dismissed or, ☐ a new trial was ordered and either s/he was found not guilty at the new trial or s/he was not retried and the indictment and information is dismissed; or ☐ the statute or application thereof on which the indictment or information was based violated the Constitution of the United States or the State of Illinois;

3. The Defendant/Petitioner's indictment or information was dismissed or s/he was acquitted, and a Petition was filed within 2 years of the dismissal of the indictment or information or acquittal;

4. ☒ The Defendant/Petitioner is innocent of the offenses charged in the indictment or information or ☐ Defendant/Petitioner's acts or omissions charged in the indictment or information did not constitute a felony or misdemeanor against the State;

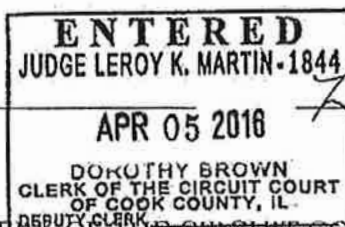
5. The Defendant/Petitioner did not his/her own conduct voluntarily cause or bring about his/her conviction.

IT IS THEREFORE ORDERED as follows:

1. That the Petition for Certificate of Innocence is GRANTED.

2. That the Clerk of the Circuit Court shall transmit a copy of the Certificate of Innocence to the Clerk of the Court of Claims, together with the Defendant/Petitioner's current address as indicated on the Petition.

ENTERED:

Dated: 4/5/16

Leroy K. Martin
Judge
Judge's No. 1

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LOG# 1087744Attachment 4



State of Illinois
Executive Department

TO: Circuit Clerk, Cook County, Cook County, Illinois:

Whereas, [REDACTED] (SID: [REDACTED]) was convicted of the crime of PCS With Intent To Deliver in the Circuit Court of Cook County and was sentenced September 18, 2006 to 1 Year Probation,

Whereas, it has been represented to me that [REDACTED] (SID: [REDACTED]) is a fit and proper subject to Executive Clemency.

Now, Know Ye, that I, PAT QUINN, Governor of the State of Illinois, by virtue of the authority vested in me by the Constitution of the State, do by these presents:

PARDON

[REDACTED] (SID: [REDACTED])

of the said crime of which convicted, and [REDACTED] (SID: [REDACTED]) is hereby acquitted and discharged of and from all further imprisonment and restored to all the rights of citizenship which may have been forfeited by the conviction.

Grant Pardon With Order Permitting Expungement Under The Provisions Of 20 ILCS 2630/5.2(e), Excluding The Right To Ship, Transport, Possess, Or Receive Firearms, Which May Have Been Forfeited By The Conviction.

DATED: January 9, 2015



Pat Quinn
PAT QUINN
GOVERNOR

By the Governor:

Jesse White
JESSE WHITE
SECRETARY OF STATE

LOG# 1087744

GROUP EXHIBIT YY

Attachment 5

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS
orCase Nos. 05115081101
06CP,0081002

A Municipal Corporation,

v.

Defendant/Petitioner

Date of Birth: 8-30-71
Gender: ☐ Male ☒ Female
Race: _____

ORDER TO EXPUNGE AND IMPOUND CRIMINAL RECORDS

This Court, having considered all pleadings and any objections thereto, and after an evidentiary hearing,
ORDERS THAT:

1. The Petition to Expunge and Impound is granted.
2. The above Arresting Agency(ies) and the Chicago Police Department shall expunge the arrest(s) from its records, if any, within 60 days of the date of service of this order. It is further directed that the Arresting Agencies shall request the return of all identification materials from any other repositories and custodians of statistics that were previously notified of this arrest(s) by the Arresting Agencies.
3. The Circuit Court Clerk shall impound the record of this arrest until further order of the court on good cause shown and shall obliterate the name of the Petitioner on the official index.
4. The Illinois State Police, Bureau of Identification, shall expunge (or impound, if required by law) their files of the record of this arrest(s) within 60 days of the date of service of this order.
5. This order shall not become effective until 30 days after entry.
6. In accordance with the law, orders of protection, civil no contact orders, and civil restraining orders shall not be expunged and impounded.

THE HONORABLE DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
COOK COUNTY, ILDATE: 7/16/2015 TIME: 9:22AM
TEL: 0002-5001 FAX: 00065946
DIST: 01 DIV: Criminal
CRN1-070 CASHIER: KARENW CRN: 802

ATTORNEY COURT \$9500

REF CASE NO: [REDACTED]
REF OTHER: [REDACTED]CASE TOTAL: \$120.00
Expungement Petition \$60.00
State Police Expunge \$60.00

TRANSACTION TOTAL: \$144.47

ENTERED
JUDGE ALFREDO RAMONADO-2113

SEP 24, 2015

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Prepared By: _____

ENTERED:

Cook County Attorney Code: _____

Name: [REDACTED]

Address: [REDACTED]

City/State: [REDACTED]

Telephone: [REDACTED]

Dated: _____
Presiding Judge _____ Judge's No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

City of Chicago / Department of Police
Expungement Unit
3510 S. Michigan Avenue, 3rd Floor
Chicago, Illinois 60653
(312) 745-5048



Rahm Emanuel, Mayor
Garry F. McCarthy, Superintendent

11/20/2015

[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir/Madam

A court order has been forwarded to the Chicago Police Department for processing regarding the individual listed above. The Illinois Criminal Identification Act defines the specific circumstances under which a criminal record can be sealed or expunged. The arrest record(s) contained in the court order has been processed based on the sealing and expungement provisions contained in the Illinois Criminal Identification Act.

This letter is to inform you that the Chicago Police Department is in compliance with the court order and that the arrest record(s) have been sealed or expunged pursuant to the court order.

Any inquiries concerning the Illinois State Police or the F.B.I. information should be referred to:

Illinois State Police
Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60432-4075
(815) 740-5160

Sincerely,

A handwritten signature in cursive script, reading "Joseph Perfetti".

Director
Record Services Division

Emergency: 911 - Non-Emergency within city limits 3-1-1 - Non-Emergency outside city limits (312)-746-6000

TTY: 312-746-9715 - E mail: police@ci.chi.il.us Website: www.ci.chi.il.us/CAPS

PARDON RECEIPT

A PARDON was issued by the Governor on January 9, 2015, to [REDACTED]
(SID: [REDACTED] who was convicted of the crime of PCS With Intent To Deliver in
the Circuit Court of Cook County and was sentenced September 18, 2006 to 1 Year
Probation.

The PARDON certificate was delivered to and received by [REDACTED] (SID:
[REDACTED] on 7-16 2015

[REDACTED]
S/ [REDACTED]

(SID: [REDACTED])

Return to:
Prisoner Review Board
Suite A
319 East Madison Street
Springfield, Illinois 62701

EXPUNGEMENT/SEAL/PETITION RESULT

RESULT: PURSUANT TO ILLINOIS COMPILED STATUTE, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE HAS NO OBJECTION TO SEALING THE ARREST LISTED BELOW. PLEASE ENSURE THE COURT ORDER DIRECTS THE ILLINOIS STATE POLICE TO "SEAL" THE ARREST TRANSACTION.
DECISION DATE: 08/26/2015

IDENTIFIERS

Charge: MAN/DEL 15<100 GRM HEROIN/ANLG

Inchoate Code:

Arrest Date: 12/11/2005

Arrest Agency: CHICAGO POLICE DEPARTMENT

DCN: [REDACTED]

CCN: [REDACTED]

Agency Case #:

Name: [REDACTED] MA

DOB: [REDACTED] 1971

RESULT: PURSUANT TO ILLINOIS COMPILED STATUTE, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE HAS NO OBJECTION TO SEALING THE ARREST LISTED BELOW. PLEASE ENSURE THE COURT ORDER DIRECTS THE ILLINOIS STATE POLICE TO "SEAL" THE ARREST TRANSACTION.
DECISION DATE: 08/26/2015

IDENTIFIERS

Charge: SELL CONSP UNDER 18

Inchoate Code:

Arrest Date: 12/11/2005

Arrest Agency: CHICAGO POLICE DEPARTMENT

DCN: [REDACTED]

CCN: [REDACTED]

Agency Case #:

Name: [REDACTED] MA

DOB: [REDACTED] 1971

RESULT: PURSUANT TO ILLINOIS COMPILED STATUTE, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE HAS NO OBJECTION TO SEALING THE ARREST LISTED BELOW. PLEASE ENSURE THE COURT ORDER DIRECTS THE ILLINOIS STATE POLICE TO "SEAL" THE ARREST TRANSACTION.
DECISION DATE: 08/26/2015

IDENTIFIERS

Charge: MAN/DEL CONTROL SUBSTANCES

Inchoate Code:

Arrest Date: 12/11/2005

Arrest Agency: CHICAGO POLICE DEPARTMENT

DCN: [REDACTED]

CCN: [REDACTED]

Agency Case #:

Name: [REDACTED] MA

DOB: [REDACTED] 1971

RESULT: PURSUANT TO ILLINOIS COMPILED STATUTE, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE

HAS NO OBJECTION TO SEALING THE ARREST LISTED BELOW. PLEASE ENSURE THE COURT ORDER DIRECTS THE ILLINOIS STATE POLICE TO "SEAL" THE ARREST TRANSACTION.
DECISION DATE: 08/26/2015

IDENTIFIERS

Charge: SELL CONSP UNDER 18

Inchoate Code:

Arrest Date: 12/11/2005

Arrest Agency: CHICAGO POLICE DEPARTMENT

DCN: [REDACTED]

CCN: [REDACTED]

Agency Case #:

Name: [REDACTED] MA

DOB: [REDACTED] 1971

RESULT: PURSUANT TO ILLINOIS COMPILED STATUTE, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE HAS NO OBJECTION TO SEALING THE ARREST LISTED BELOW. PLEASE ENSURE THE COURT ORDER DIRECTS THE ILLINOIS STATE POLICE TO "SEAL" THE ARREST TRANSACTION.
DECISION DATE: 08/26/2015

IDENTIFIERS

Charge: SELL CONSP UNDER 18

Inchoate Code:

Arrest Date: 12/11/2005

Arrest Agency: CHICAGO POLICE DEPARTMENT

DCN: G16389870

CCN: [REDACTED]

Agency Case #:

Name: [REDACTED] MA

DOB: [REDACTED] 1971

STATE USE ONLY

WARNING: Release of this information to unauthorized individuals or agencies or misuse is prohibited by Federal Law Title 42 USC 3789g pertaining to criminal history information.

IL 493-CECV(06/98)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE

v.

No. 06 CR 810ENTERED
JUDGE LEROY K. MARTIN-1844

APR 05 2016

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

ORDER

Petitioner [REDACTED] Petition for a Certificate of Innocence is hereby DENIED. The Court makes the following findings of fact, by a preponderance of the evidence:

- (1) Petitioner Glenn was convicted of one or more felonies;
- (2) the judgment of conviction was vacated, by the State of Illinois, dismissed;
- (3) Petitioner Glenn is innocent of the offenses charged in the indictment;
- (4) Petitioner Glenn did not by her own conduct voluntarily cause or bring about her conviction; and
- (5) Petitioner was not sentenced to a term of imprisonment.

Atty. No.: 47860Name: Jonathan M. Brayman

ENTERED:

Atty. for: Petitioner Clarissa GlennDated: April 5, 2016Address: 53 W. Jackson Bldg #12-15City/State/Zip: Chicago IL 60604

Judge

Leroy K. Martin
LOG# 1087744 Judge's No. 7Telephone: 312 - 360 - 1001Attachment 6

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,
Respondent,

v.

No. 06 CR 810

██████████ & ██████████
Defendants-Petitioners.

AFFIDAVIT OF ██████████

I, ██████████ being first duly sworn and under penalties of perjury, swear and state as follows:

1. On March 23, 2005, I was falsely arrested for possession of heroin and cocaine with intent to deliver. The false arrest stemmed from my refusal to pay former Chicago Police Sergeant Ronald Watts a \$1,000 bribe in June 2004, and a series of events thereafter. Sergeant Watts wanted me to pay him a bribe to avoid being convicted for drugs he supposedly found in a mailbox at the Ida B. Wells Housing complex. In soliciting the bribe, Watts indicated that he was going to charge me with these supposed drugs in the mailbox regardless, but he would ensure I beat the charges if I paid him the bribe.
2. After I refused Sergeant Watts's bribe attempt, in July 2004, he and three other officers, one of whom was Detective Alvin Jones, stormed my home with guns drawn in the Wells Housing Complex at ██████████. Although they found nothing illegal during the search of my home, they charged me with drugs supposedly found in a mailbox.
3. In November 2004, after I spent four-and-a-half months in county jail, a motion to suppress the drugs was granted, and the State dropped the charges. I was released from county jail.
4. Approximately one week after my release, I encountered Detective Alvin Jones—who I often saw with Watts—just outside the Wells housing complex. When I complained to Detective Jones that “was some BS y’all put that case on me,” Detective Jones replied: “[T]hat is part of the game you win some you lose some, you won this one because [Officer Kenny [Young] . . . fucked up his testimony.”

LOG# 1087744
EXHIBIT QQ

Attachment 7

Detective Jones then told me that the "next time we get you it will stick. . . .Kenny ain't going to be able to fuck up the testimony."

5. The March 23, 2005 arrest was my next significant encounter with officers who patrolled the Wells complex and worked under Sergeant Watts. On that day, Officer Douglas Nichols detained me and two others in a stairway of the complex. I had nothing illegal in my position. But knowing that Officer Nichols worked for Sergeant Watts—and knowing that Detective Jones had promised to frame me again—I fled. As I ran downstairs, I was detained by Officer Manual Leano. Officer Leano searched me, but found nothing illegal. I was nevertheless arrested on site. Minutes later, Sergeant Watts and Detective Jones arrived, and Detective Jones said to me: "I told you we were going to get you." I was subsequently charged and prosecuted with crimes related to the possession of 15.3 grams of heroin and 13.9 grams of cocaine with intent to deliver under case number 05 CR 8982.
6. I remained out of custody, on bond, while awaiting trial on these false charges. At certain court proceedings, an assistant state's attorney named David Navarro would sometimes appear and actually advocate on my behalf, telling the court that he supported an I-bond for me.
7. On May 23, 2006, at the bench trial related to these charges, I testified consistently with what is stated in paragraphs 1-5 of this affidavit. Officers Watts, Jones, and Nichols falsely testified at this trial. Furthermore, Officer Robert Gonzalez also falsely testified at this trial. Officer Gonzalez was not even present during the incident on March 23, 2005. He testified, however, as if he were, essentially putting himself in the role of Officer Leano, claiming that he was the one who detained me at the first floor and arrested me.
8. I was convicted of the charges on June 9, 2006. I was eventually sentenced to 14 years in prison.
9. I remained falsely imprisoned for the next nine-and-a-half years. Then, on January 14, 2016, I was abruptly released when the State moved to vacate my convictions and *nolle prosequi* all charges in Case No. 05 CR 8982. This decision came after my attorneys and I filed a series a pleadings asking to vacate my convictions. These pleadings followed the federal indictments and guilty pleas of Sergeant Watts and Officer Kallatt Mohammed after being caught on shaking down and bribing a federal confidential informant who they believed to be a drug dealer.
10. During the relevant time period (June 2004 – June 2006) that I was being framed by Sergeant Watts and the officers working with or under him, I was in a relationship and living with [REDACTED] at [REDACTED] [REDACTED] is the mother of three of my children. Over this time period, [REDACTED] and I took several steps to attempt to expose this police misconduct. These attempts included contacting either the Office of Professional Standards and/or the Chicago Police Internal Affairs Division to explain the actions these corrupt police officers were taking against me.

We also spoke and met with Assistant State's Attorney Navarro regarding the misconduct of Watts and his team.

11. Upon information and belief, Sergeant Watts and other members of his team learned about [REDACTED] and my attempts to expose their criminal conduct. On December 11, 2005, it is my belief that in retaliation against our attempts to expose them, Sergeant Watts, Detective Jones, Officer Mohammed, and other members of this team framed [REDACTED] and me for a different drug case. I was on bond at the time.
12. On December 11, 2005, [REDACTED] and I were driving in a car together and pulling up to a lot in or near the Wells Housing Complex. A blue and white police car appeared. I thought the car was trying to go around us so I stopped the car. When I did, I observed another car pull up behind us and stop. Sergeant Ronald Watts then exited the driver's side of that car, and Officer Alvin Jones exited the passenger side.
13. Sergeant Watts and Officer Jones then told us to get out of our car. We did. They then searched the car. We had nothing illegal in the car. Subsequently, Watts falsely claimed that he recovered a plastic bag that was full of narcotics from our car. I was then cuffed and arrested.
14. As I was being arrested, a female officer pulled up in another blue and white police car. Sergeant Watts ordered the female police officer to cuff and arrest [REDACTED]. They then took both me and [REDACTED] to the 51st Street police station.
15. At the 51st Street police station, [REDACTED] and I were placed near where Officer Kallatt Mohammed was sitting at a desk. When Officer Mohammed saw me, he asked what we were doing there. [REDACTED] and I told him what Sergeant Watts and Detective Jones had done as described in paragraphs 12-14 of this affidavit. Officer Mohammed shook his head and said something to the effect of, "that's too bad."
16. Shortly thereafter, Sergeant Watts and Detective Jones arrived back to where we were. Sergeant Watts then told Officer Mohammed to write up a report about our arrest. As Officer Mohammed was writing, Detective Jones, Officer Gonzalez, and other members of Watts' team were instructing Mohammed on what to put in the report. [REDACTED] and I tried to protest, while also noting that Officer Mohammed wasn't even there during the arrest. Sergeant Watts brushed us off, made some sarcastic comments, and then said "I'm done talking."
17. This December 11, 2005 false arrest led to felony criminal charges against both [REDACTED] and me in Case No. 06 CR 810. The charges against us included possession of a controlled substance (heroin) with intent to deliver. [REDACTED] and I both remained on bond.
18. These charges against both [REDACTED] and me remained pending throughout the proceedings related to my March 23, 2005 false arrest and wrongful conviction, for which I have since been exonerated.

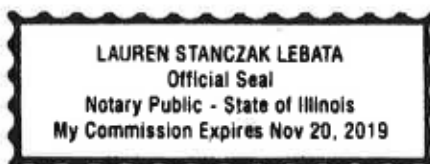
19. When I was found guilty in June 2006 in Case No. 05 CR 8982, my bond was immediately revoked and I was taken into custody.
20. At my July 2006 sentencing hearing after my wrongful conviction, I spoke in allocution. During the allocution, I noted that the same officers kept framing me simply because I wouldn't pay them off. I ended my allocution by begging Judge Toomin that he "not let them do to my wife what they are doing to me."
21. I was first sentenced to 18 years but upon a motion to reconsider sentence, it was reduced to 14 years in prison.
22. After I was sentenced, my primary motivation was to ensure [REDACTED] was not imprisoned and our children would have their mother to raise them. [REDACTED] and I had gotten married and were raising our three children together. [REDACTED] has and had no criminal history and is and was a wonderful mother.
23. The children needed her, and both of us could not be imprisoned. Especially given that I was just wrongfully convicted and ultimately sentenced to 14 years in prison, I would have taken any amount of time on this second drug charge with an assurance that [REDACTED] would not be imprisoned.
24. Attorney Matt Mahoney was representing both of us related to the December 11, 2005 drug charges. I learned that the State refused to drop charges against [REDACTED] under any circumstances. I was also told that, if convicted, [REDACTED] was looking at a minimum of 4 years in prison. I learned, however, that the State agreed to recommend 1 year probation for [REDACTED] and a 4-year sentence for me, if we both pled guilty.
25. [REDACTED] and I spoke about this plea offer. She wanted to fight the case. I pleaded and begged her that we had to take the deal. Reluctantly, she ultimately agreed and we took the deal.
26. On September 18, 2006, [REDACTED] and I pled guilty to this offense, despite our innocence and despite being framed by Sergeant Watts, Officer Jones, Officer Mohammed, and others. I was sentenced to four years in prison. [REDACTED] was sentenced to 1 year probation with no jail or prison time.
27. I only pled guilty to this crime because I had already been wrongfully convicted and sentenced to 14 years. And I only pled guilty to protect my wife and our children from the risk of my wife's imprisonment and upon the agreement that she would only be sentenced to 1 year probation.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the facts set forth in this instrument are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies that he believes the same to be true.



Subscribed and sworn to me,

On this day ____ February 4, 2016



Lauren Stanczak LeBata

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,
Respondent,

v.

No. 06 CR 810

██████████ & ██████████
Defendants-Petitioners.

AFFIDAVIT OF ██████████

I, ██████████ being first duly sworn and under penalties of perjury, swear and state as follows:

1. I was in a committed relationship with ██████████ from 1990 through December 2014. We got an apartment together in the Ida B. Wells Housing Complex (██████████ in 1997. We have three children together. We were married in 2006 and stayed together throughout most of ██████████ wrongful incarceration in Case No. 05 CR 8982 until our divorce in December 2014. Since ██████████ release from his almost decade long wrongful incarceration, we are doing our best to start our lives over as a family. We are living together and we may remarry.
2. As I stated in a letter to the court in support of a motion to reconsider my husband's initial 18-year sentence following his wrongful conviction in Case No. 05 CR 8982, ██████████ has always been close to his sons and an active parent. Prior to his wrongful incarceration, he was the primary care giver while I worked 9:00 a.m. – 5:00 p.m. shifts. My own parents embraced ██████████ as their son-in-law.
3. During the time period of June 2004 – June 2006, I was (and remain) aware of the circumstances of ██████████ multiple false arrests and wrongful convictions. I was aware that ██████████ was targeted by Sergeant Ronald Watts, Officer Alvin Jones, Officer Kallatt Mohammed, Officer Robert Gonzalez, and others working under Sergeant Watts. I was aware it stemmed originally from ██████████ refusal to bribe Watts or pay him \$1,000.
4. During the relevant time period between June 2004 – June 2006, ██████████ and I took several steps to attempt to expose this police misconduct. These attempts included contacting the Office of Professional Standards and/or the Chicago Police Internal

LOG# 1087744

EXHIBIT RR

Attachment 8

Affairs Division to explain the actions these corrupt police officers were taking against [REDACTED] and me. We also spoke and met with Assistant State's Attorney David Navarro regarding the misconduct of Watts and his team.

5. Upon information and belief, Sergeant Watts and other members of his team learned about [REDACTED] and my attempts to expose their criminal conduct. On December 11, 2005, it is my belief that in retaliation against our attempts to expose them, Sergeant Watts, Detective Jones, Officer Mohammed, and other members of this team framed [REDACTED] and me for a drug case. [REDACTED] was on bond at the time for Case No. 05 CR 8982.
6. On December 11, 2005, [REDACTED] and I were driving in a car together and pulling up to a lot in or near the Wells Housing Complex. A blue and white police car appeared. I thought the car was trying to go around us. [REDACTED] stopped our car. When [REDACTED] did, I observed another car pull up behind us and stop. Sergeant Ronald Watts then exited the driver's side of that car, and Officer Alvin Jones exited the passenger side.
7. Sergeant Watts and Officer Jones then told us to get out of our car. We did. They searched the car. We had nothing illegal in the car. Subsequently, Watts pulled a plastic bag out of his right sleeve, and the plastic bag appeared to be full of narcotics. Sergeant Watts then falsely claimed that he found it on the driver's door of the car. [REDACTED] was then cuffed and arrested.
8. As [REDACTED] was being arrested, a female officer pulled up in another blue and white police car. Sergeant Watts then ordered the female police officer to cuff and arrest me. They then took both me and [REDACTED] to the 51st Street police station.
9. At the 51st Street police station, [REDACTED] and I were placed near where Officer Kallatt Mohammed was sitting at a desk. When Officer Mohammed saw us, he asked what we were doing there. [REDACTED] and I told him what Sergeant Watts and Detective Jones had done as described in paragraphs 6-8 of this affidavit. Officer Mohammed shook his head and said something to the effect of, "that's too bad."
10. Shortly thereafter, Sergeant Watts and Detective Jones arrived back to where we were. Sergeant Watts then told Officer Mohammed to write up a report about our arrest. As Officer Mohammed was writing, Detective Jones, Officer Gonzalez, and other members of Watts' team were instructing Mohammed on what to put in the report. [REDACTED] and I tried to protest, while also noting that Officer Mohammed wasn't even there during the arrest. Sergeant Watts brushed us off, made some sarcastic comments, and then said "I'm done talking."
11. This December 11, 2005 false arrest led to felony criminal charges against both [REDACTED] and me in Case No. 06 CR 810. I was the (02) defendant and [REDACTED] was the (01) defendant. The charges against us included possession of a controlled substance (heroin) with intent to deliver. I was released on bond and remained on bond during the pendency of this case.

12. These charges against both [REDACTED] and me remained pending throughout the proceedings related to [REDACTED] March 23, 2005 false arrest and wrongful conviction, for which [REDACTED] has since been exonerated.
13. Attorney Matt Mahoney was representing both me and [REDACTED] related to the December 11, 2005 drug charges. For much of the time, I was adamant about fighting the charges. We were innocent, and we were being framed.
14. I was present in the courtroom during [REDACTED] trial related to the charges from his March 23, 2005 arrest. I watched Watts and members of his team testify, and watched [REDACTED] testify as well. After Judge Toomin heard all of the testimony, he found [REDACTED] guilty. After [REDACTED] was wrongfully convicted and sentenced to 14 years in prison, [REDACTED] was adamant that, for the sake of the kids, both of us could not be incarcerated. And I learned that I was looking at a 4 year prison sentence at minimum if I was convicted of at least one of the charged offenses at trial. And I had just watched [REDACTED] be wrongfully convicted and sentenced for a crime that he was innocent of and framed by these same officers.
15. Ultimately, when the State agreed to recommend 1 year probation for me and a 4-year sentence for [REDACTED] if we both pled guilty, [REDACTED] persuaded me to take the deal.
16. On September 18, 2006, [REDACTED] and I pled guilty to this offense, despite our innocence and despite being framed by Sergeant Watts, Officer Jones, and Officer Mohammed. I was sentenced to 1 year probation. I successfully completed it with no alleged violations.
17. I have not been charged or convicted of any crimes either before or since this case. This is my sole arrest in life.
18. I only pled guilty to this charge because [REDACTED] had already been wrongfully convicted and sentenced to 14 years. And I only pled guilty at [REDACTED] urging and upon the agreement that I would be sentenced to 1 year probation. Our children could not have both parents in prison.
19. In January 2015, I received a pardon for this crime from then Governor Quinn. In September 2015, the record of my arrest and conviction was expunged.
20. This pardon and expungement, however, was not based on innocence. I would prefer to have my conviction vacated, rather than expunged.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the states set forth in this instrument are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies that he believes the same to be true.



Subscribed and sworn to me,

On this day ____ February 4, 2016



Lauren Stanczak LeBata

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

CPD-11, 420C (REV. 6/30)

ARREST REPORTING

OFFENDER

Name: [REDACTED]

Res: [REDACTED]
Chicago, IL 60653

DOB: [REDACTED] 1972

AGE: 33 years

POB: Illinois

DLN: [REDACTED] -IL

ARMED WITH

Beat: 212

Male

Black

5' 09"

207 lbs

Brown Eyes

Black Hair

Bald Hair Style

Dark Brown

Complexion

INCIDENT

Arrest Date: 11 December 2005 12:12 TRR Completed? No

Location: 511 E Browning Ave

Chicago, IL 60653

123 - Cha Parking Lot/Grounds

Holding Facility: District 002 Male Lockup

Resisted Arrest? No

Beat: 212

Total No Arrested: 1

Co-Arrests

Assoc Cases

DCFS Ward ? No

Dependent Children? No

CHARGES

Victim

- 1 Offense As Cited **720 ILCS 570.0/402-A-1-A**
PCS - POSSESS 15<100 GRAMS HEROIN
Class 1 - Type F
- 2 Offense As Cited **725 ILCS 5.0/110-3**
ISSUANCE OF WARRANT
Class Z -

RECOVERED
NARCOTICS

Type	Approx. Weight/Quantity	Units	Estimated Street Value
Suspect Controlled Substance	23.5	GRAMS	\$4,230.00

IR #901905

WARRANT

Warrant No	Issue Date	Type	NCIC/ Leads No	Hold	Bond Amount	Case Docket No	County
02CR05992 01	11-DEC-05	Probation Violation Warrant					
Remarks: INTERVENTION GANG VIOL PROB.							

CB #: 16389858

ARREST REPORTING

NON-OFFENDER(S)

ARRESTEE
VEHICLE

PROPERTIES

INCIDENT NARRATIVE

COURT INFO

BOND INFO

Vehicle: VEHICLE IMPOUNDED: Yes

1997 Truck - White Gmc (Begin. Model Year 1988) -
White Gmc (Begin. Model Year 1988) - Jeep, Blazer,
Carryall Etc. - Vmo Must Be Tk

VIN# [REDACTED]

Lic# [REDACTED] US

Color: Gold (Top) / Gold (Bottom)

Inv#:

Pound#: 10300 S DOTY

Disposition: Narcotics Seizure

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR [REDACTED] NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT#08459 THIS IS AN ARREST BY 002 TACT UNITS BTS. 264D & 264C. DURING A NARCOTICS SURVEILLANCE, THE ABOVE SUBJECT WAS OBSERVED FAILING TO STOP AT A STOP SIGN. THE SUBJECT WAS CURBED BY BT.211 AT THE ABOVE LOCATION AS A/O'S ARRIVED IN A COVERT VEHICLE. A/O'S AT THIS TIME OBSERVED THE ABOVE SUBJECT RECEIVE A CLEAR PLASTIC BAG WITH SUSPECT NARCOTICS FROM A SUBJECT KNOWN AS [REDACTED] F/1/34. THE SUBJECT THEN PLACED THE SUSPECT NARCOTICS INSIDE THE DRIVER'S SIDE ARM REST CONSOLE. A/O'S HAD BOTH SUBJECT EXIT THE VEHICLE AND RECOVERED THE SUPECT NARCOTICS FROM THE CONSOLE. FUTHER INSPECTION OF THE NARCOTICS REVEALED THEM TO BE, A CLEAR PLASTIC BAG WITH 50 ZIPLOCK BAGGIES WITH WHITE POWDER SUSPECT HEROIN. THE SUBJECT WAS PLACED IN CUSTODY AND CITED FOR THE TRAFFIC VIOLATION. ALL THESE EVENT OCCURRED WITHIN THE CHA COMPLEX IDA B. WELLS AND WITHIN 1000 FT. OF DOOLITTLE ELEMENTRY SCHOOL. INVENTORY #10659055.

Desired Court Date: 04 January 2006

Branch: 48-2 155 W 51ST ST - Room

Court Sgt Handle? No

Initial Court Date: 13 December 2005

Branch: 1 2600 S CALIFORNIA - Room100

Docket #:

BOND INFORMATION NOT AVAILABLE

ARREST REPORTING

REPORTING PERSONNEL

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #19462 JONES, A () 11 DEC 2005 15:19

ARRESTING OFFICER(S):

			Beat
1st Arresting Officer:	#19462	JONES, A ()	0264D
2nd Arresting Officer:	#14122	MOHAMMED, K ()	0264D

APPROVING SUPERVISOR:

Approval of Probable Cause : GRIFFIN, E W () 11 DEC 2005 15:31

ARREST PROCESSING REPORT

Holding Facility: District 002 Male Lockup
Received in Lockup: 11 December 2005 15:52
Prints Taken: 11 December 2005 15:50
Palmprints Taken:
Photograph Taken: 11 December 2005 15:52
Released from Lockup: 13 December 2005 09:31

Time Last Fed: 11 December 2005 18:30

Time Called:

Phone#:

Cell #: 3/4

Transport Details : 1PO 0211 11-DEC-2005 12:30

VISUAL CHECK OF ARRESTEE

ARRESTEE QUESTIONNAIRE

Is there obvious pain or injury? No
Is there obvious signs of infection? No
Under the influence of alcohol/drugs? No
Signs of alcohol/drug withdrawal? No
Appears to be despondent? No
Appears to be irrational? No
Carrying medication? No

Presently taking medication? No
(if female)are you pregnant? No
First time ever been arrested? No
Attempted suicide/serious harm? No
Serious medical or mental problems? No
Are you receiving treatment? No

ARRESTEE PRESCRIPTION MEDICATION INFORMATION:

RETURN TO HOLDING FACILITY COMMENTS:

QUESTIONNAIRE REMARKS:

LOCKUP KEEPER COMMENTS:

EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

LOCKUP KEEPER PROCESSING

INTERVIEW LOG

NO INTERVIEWS LOGGED

ARREST PROCESSING REPORT

VISITOR LOG

NO VISITORS LOGGED

MOVEMENT LOG

Action	By	Destination	Reason
RELEASED BY	#13364 Miller, Benita J [REDACTED]	11 DEC 2005 16:33 District 002 Male Lockup	
RECEIVED BY	#21075 Davis, Dwayne C [REDACTED]	11 DEC 2005 16:33 Area 1	To Participate In Line-Up
RECEIVED BY	#13364 Miller, Benita J [REDACTED]	11 DEC 2005 19:24 District 002 Male Lockup	Return From Line-Up

WC COMMENTS

Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

REL w/o CHARGING

PROCESSING PERSONNEL

ARRESTEE PROCESSING PERSONNEL:

			Beat
Searched By:	#5979	NICHOLS, J T [REDACTED]	
Lockup Keeper:	#5979	NICHOLS, J T [REDACTED]	
Assisting Arresting Officer:	#11737	SMITH JR, E J [REDACTED]	0264D
Assisting Arresting Officer:	#12152	GONZALEZ, R R [REDACTED]	0264C
Assisting Arresting Officer:	#4303	LEANO, M S [REDACTED]	0264C
Fingerprinted By:	#5979	NICHOLS, J T [REDACTED]	

APPROVAL PERSONNEL:

			Beat
Final Approval of Charges :	#609	STEVENS, M J [REDACTED]	11 DEC 2005 20:08

FINAL APPROVAL

CHICAGO POLICE DEPARTMENT ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11. 420C (REV. 6/30)

CB #: 16389870
IR #: 1757074
YD #:
RD #: HL783325
EVENT #: 0534508459

ARREST REPORTING

OFFENDER	Name: [REDACTED] Mare Res: [REDACTED] Beat: 212 Chicago, IL 60653 DOB: [REDACTED] 1971 AGE: 34 years POB: Illinois SSN: [REDACTED] DLN: [REDACTED] -IL		Female Black 5' 04" 128 lbs Brown Eyes Black Hair Long Hair Style Medium Brown Complexion		[REDACTED]								
INCIDENT	Arrest Date: 11 December 2005 12:12 TRR Completed? No Location: 511 E Browning Ave Chicago, IL 60653 123 - Cha Parking Lot/Grounds Holding Facility: District 002 Female Lockup Resisted Arrest? No		Total No Arrested: 2 Co-Arrests: 16389858 Dependent Children? No DCFS Ward ? No		Assoc Cases								
CHARGES	1 Offense As Cited 720 ILCS 570.0/401-A-1-A PCS - MFG/DEL- 15 + GRMS - HEROIN Class X - Type F												
	Victim												
RECOVERED NARCOTICS	<table border="1"> <thead> <tr> <th>Type</th> <th>Approx. Weight/Quantity</th> <th>Units</th> <th>Estimated Street Value</th> </tr> </thead> <tbody> <tr> <td>Suspect Controlled Substance</td> <td>23.5</td> <td>GRAMS</td> <td>\$4,230.00</td> </tr> </tbody> </table>				Type	Approx. Weight/Quantity	Units	Estimated Street Value	Suspect Controlled Substance	23.5	GRAMS	\$4,230.00	IR #1757074
	Type	Approx. Weight/Quantity	Units	Estimated Street Value									
Suspect Controlled Substance	23.5	GRAMS	\$4,230.00										
WARRANT	NO WARRANT IDENTIFIED												

Chicago Police Department - ARREST Report

ARREST REPORTING	
NON-OFFENDER(S)	
ARRESTEE VEHICLE	NO ARRESTEE VEHICLE INFORMATION ENTERED
PROPERTIES	<p>Confiscated Properties : All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.</p> <p>PROPERTIES INFORMATION FOR [REDACTED] NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.</p>
INCIDENT NARRATIVE	<p>(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)</p> <p>EVENT#08459 THIS IS AN ARREST BY 002 TACT UNITS RTS. 264D & 264C. DURING A NARCOTICS SURVEILLANCE, THE ABOVE SUBJECT WAS OBSERVED IN A VEHICLE FAILING TO STOP AT A STOP SIGN. THE VEHICLE WAS CURBED BY BT.211 AT THE ABOVE LOCATION AS A/O'S ARRIVED IN A COVERT VEHICLE. A/O'S AT THIS TIME OBSERVED THE ABOVE SUBJECT HAND A CLEAR PLASTIC BAG WITH SUSPECT NARCOTICS TO SUBJECT KNOWN AS [REDACTED] M/1/33. THE SUBJECT [REDACTED] PLACED THE SUSPECT NARCOTICS INSIDE THE DRIVER'S SIDE ARM REST CONSOLE. A/O'S HAD BOTH SUBJECTS TO EXIT THE VEHICLE AND THEN RECOVERED THE SUSPECT NARCOTICS. FURTHER INVESTIGATION OF THE NARCOTICS REVEALED IT TO BE A CLEAR PLASTIC BAG WITH 50 ZIPLOCK BAGGIES WITH WHITE POWDER SUSPECT HEROIN. THE SUBJECT WAS PLACED IN CUSTODY AND TRANSPORTED TO THE 002 DISTRICT. THE SUBJECT SEARCHED BY P.O. G.HURT#18673. ALL THESE EVENTS OCCURRED WITHIN THE CHA COMPLEX IDA B. WELLS AND WITHIN 1000 FT. OF DOOLITTLE ELEMENTARY SCHOOL. INVENTORY #10659055.</p>
COURT INFO	<p>Desired Court Date: 04 January 2006 Branch: 48-2 155 W 51ST ST - Room Court Sgt Handle? No Initial Court Date: 12 December 2005 Branch: 1 2600 S CALIFORNIA - Room111 Docket #:</p> <p>BOND INFO</p> <p>BOND INFORMATION NOT AVAILABLE</p>

CB #: 16389870

Chicago Police Department - ARREST Report

ARREST REPORTING			
REPORTING PERSONNEL	ATTESTING OFFICER:		
	I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.		
	Attesting Officer:	#19462 JONES, A ()	11 DEC 2005 15:17
	ARRESTING OFFICER(S):		
	1st Arresting Officer:	#19462 JONES, A ()	Beat 0264D
2nd Arresting Officer:	#14122 MOHAMMED, K ()	0264D	
APPROVING SUPERVISOR:			
	Approval of Probable Cause : #77	GRIFFIN, E W ()	11 DEC 2005 15:35

ARREST REPORT

Chicago Police Department - ARREST Report

ARREST PROCESSING REPORT

Holding Facility: District 002 Female Lockup
 Received in Lockup: 11 December 2005 15:44
 Prints Taken: 11 December 2005 15:41
 Photograph Taken: 11 December 2005 15:51
 Released from Lockup: 12 December 2005 09:16

Time Last Fed: 11 December 2005 15:50

Time Called: 11 December 2005 15:45

Phone#: [REDACTED]

Cell #: 2 - Placed in one person cell

Transport Details : 1PO 0211 11-DEC-2005 12:30

VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury? No
 Is there obvious signs of infection? No
 Under the influence of alcohol/drugs? No
 Signs of alcohol/drug withdrawal? No
 Appears to be despondent? No
 Appears to be irrational? No
 Carrying medication? No

ARRESTEE QUESTIONNAIRE

Presently taking medication? No
 (if female)are you pregnant? No
 First time ever been arrested? Yes
 Attempted suicide/serious harm? No
 Serious medical or mental problems? No
 Are you receiving treatment? No

QUESTIONNAIRE REMARKS:

None

LOCKUP KEEPER COMMENTS:

EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

NO INTERVIEWS LOGGED

NO VISITORS LOGGED

MOVEMENT LOG INFORMATION NOT AVAILABLE

Chicago Police Department - ARREST Report

ARREST PROCESSING REPORT

Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

ARRESTEE PROCESSING PERSONNEL:

Beat

Searched By:		SMITH, J M	
Lockup Keeper:	#19782	HEARD, P M	
Assisting Arresting Officer:	#11737	SMITH JR, E J	0264D
Assisting Arresting Officer:	#12152	GONZALEZ, R R	0264C
Assisting Arresting Officer:	#4303	LEANO, M S	0264C
Fingerprinted By:	#19782	HEARD, P M	

APPROVAL PERSONNEL:

Beat

Final Approval of Charges :	#609	STEVENS, M J	11 DEC 2005 20:13
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VICE CASE REPORT CHICAGO POLICE		1. OFFENSE - PRIMARY CLASSIFICATION <input type="checkbox"/> 1 GAMBLING <input checked="" type="checkbox"/> 2 NARCOTICS <input type="checkbox"/> 3 LIQUOR LAW VIOLATION <input type="checkbox"/> 4 PROSTITUTION <input type="checkbox"/> 5 OBSCENITY <input type="checkbox"/> 6 PUBLIC INDECENCY (U.C. PREMISE)		2. SECONDARY CLASSIFICATION DELIVERY OF CONTROLLED SUBSTANCE		1-UCR OFFENSE CODE 3. RD NO. 2 0 2 4 HL 783325	
4. ADDRESS OF OCCURRENCE (NO., DIR., STREET - APT. NO.) 511 E. BROWNING				5. DATE OF OCCURRENCE - TIME 11 DEC 05 1212		6. DATE R.O. ARRIVED - TIME 11 DEC 05 1200	
9. TYPE OF LOCATION/PREMISE WHERE OFFENSE OCCURRED <input type="checkbox"/> 240 TAVERN/LIQUOR STORE <input type="checkbox"/> 193 DRUG STORE <input type="checkbox"/> 095 AIRPORT/AIRCRAFT <input type="checkbox"/> 121 CHA APARTMENT <input type="checkbox"/> 293 RESTAURANT <input type="checkbox"/> 166 POOL ROOM <input type="checkbox"/> 260 HOTEL/MOTEL <input type="checkbox"/> 290 RESIDENCE <input checked="" type="checkbox"/> 123 CHA PARKING LOT/GROUNDS <input type="checkbox"/> OTHER - SPECIFY & ENTER CODE				8. BEAT/UNIT ASSIGNED 264D			
10. LICENSEE'S NAME (CORP. IF APPLICABLE) DNA				11. BUSINESS LICENSE NO(S)			
12. VICTIM'S/ COMPLAINANT'S NAME (LAST - FIRST - M.I.) STATE OF IL./P.O. A. JONES#19462		13. HOME ADDRESS (NO., DIR., STREET - APT. NO.) 002 DISTRICT		14. SEX - RACE - AGE CODE		15. HOME PHONE (312) 747-8366	
18. PERSON <input type="checkbox"/> 1 DISCOVERED <input checked="" type="checkbox"/> 2 WITNESSED <input type="checkbox"/> 3 REPORTED OFFENSE K. MOHAMMED#14122 E. SMITH#11737		19. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED] M.		20. OFFENDER IN CUSTODY <input checked="" type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		21. NICKNAME/A.K.A. NONE	
R. WATTS#2640 B. GONZALEZ#12152 M. LEANO#4303		22. HOME ADDRESS 527 E. BROWNING #2006		23. SEX - RACE - AGE CODE F 1 34		24. DATE OF BIRTH [REDACTED] 71	
25. I.R./C.B. NO.		26. CHARGES 720 ILCS 570/401		27. COURT BRANCH - CALL 48-2		28. COURT DATE 4 JAN 06	
29. INVENTORY NO. 10659055		30. WEIGHT 23.5g		31. E.S.V. \$4230.00		32. NO. OF OFFENDERS 2	
33. NO. OF ARRESTEES 2		34. TYPE OF ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> WARRANT		35. ADDRESS OF ARREST 511 E. BROWNING		36. VEHICLE USED BY OFFENDER(S) 97 GMC CARRYALL GOLD	
37. OTHER VEHICLE IDENTIFIERS		38. VEHICLE CONFISCATED <input checked="" type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		39. MOTOR VEHICLE INVENTORY NO.		40. NARRATIVE (Do not duplicate or repeat information - for explanation or additional information only) EVENT#08459 ITEM INVENTORIED--(1)CLEAR PLASTIC BAG WITH (50)ZIPLOCK BAGGIES WITH WHITE POWDER SUSPECT HEROIN: IN SUMMARY, R/O'S RECEIVED INFORMATION FROM A CONCERNED CITIZEN THAT A SUBJECT NAMED BEN BAKER/OFF.#2 WAS ENROUTE TO GET A SUPPLY OF "BLOWS", A STREET TERM FOR HEROIN. THE CITIZEN STATED THAT THE BLOWS WOULD BE FOR SALE AT THE 527 E. BROWNING CHA BUILDING. R/O'S THEN SET-UP A SURVEILLANCE OF THAT AREA ALONG WITH BT. ZIL AFTER A SHORT TIME R/O OBSERVED THE ABOVE VEHICLE APPROACHING THE AREA S/B ON	
41. FLASH MESSAGE SENT? <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		42. GANG RELATED - AFFILIATION <input type="checkbox"/> VICTIM <input type="checkbox"/> OFFENDER		43. EXTRA COPIES REQUIRED (NO. & RECIPIENT) <input checked="" type="checkbox"/> NORMAL (3)		44. NOTIFICATIONS, IF APPROPRIATE, MADE BY UNIT NOTIFIED PERSON NOTIFIED	
45. REPORTING OFFICER'S NAME (PRINT) A. JONES		46. REPORTING OFFICER'S NAME (PRINT) K. MOHAMMED		47. DATE INVEST. COMPLETED - TIME 11 DEC 05		48. SUPERVISOR APPROVING (PRINT NAME) SGT. WATTS	
49. DATE SUPV. APPROVAL - TIME		50. APPROVAL SIGNATURE		51. DATE (DAY - MO. - YEAR) - TIME		52. STAR NO. 2640	

CPD-11.414 (Rev. 8/96)

Identify and describe all property or possible evidence recovered at the end of the narrative in column form. Show exactly where found, who found it and its description (enter Property Inventory numbers in box 29).

OIG #17-0115 00058

LOG# 1087744

Attachment 11

IF THE BUREAU OF INVESTIGATION IS OTHERWISE INDICATED

CONTINUATION OF NARRATIVE

RHODES FROM 35th. WHEN THE VEHICLE FAIL TO STOP AT THE STOP SIGN AT 3600 S. RHODES, BT.211 CURBED THE VEHICLE IN THE PARKING LOT BEHIND 511E. BROWNING. R/O'S WERE APPROACHING AT THE SAME TIME IN A COVERT VEHICLE. R/O'S PULLED ALONG THE PASSENGER SIDE OF THE OFFENDERS VEHICLE AND OBSERVED OFF.#1 WITH A CLEAR PLASTIC BAG OF SUSPECT NARCOTICS. OFF.#1 GAVE THAT BAG OF SUSPECT NARCOTICS TO OFFENDER#2 WHO PLACED THE BAG INSIDE THE DRIVER'S SIDE ARM REST CONSOLE. R/O'S ALONG WITH BT.211 HAD BOTH SUBJECT TO EXIT THE VEHICLE. R/O THEN WENT TO THE DRIVER'S SIDE ARM REST CONSOLE AND RECOVERED THE SUSPECT NARCOTICS THAT OFF.#2 PLACED THERE. FURTHER INSPECTION OF THE NARCOTICS REVEALED IT TO BE A CLEAR PLASTIC BAG WITH (50) ZIPLOC BAGGIES WITH WHITE POWDER SUSPECT, HEROIN. BOTH OFFENDERS WERE PLACED IN CUSTODY AND TRANSPORTED TO THE 002 DISTRICT. THE VEHICLE WAS ALSO SEIZED AND IMPOUNDED. OFF.#2 WHO WAS THE DRIVER OF THE VEHICLE RECEIVED A TRAFFIC VIOLATION FROM BT.211. OFF.#1 WAS SEARCHED BY P.O. G. HURT#18673 UPON ARRIVING IN THE 002 DISTRICT. ALL THESE EVENTS OCCURRED WITHIN THE GROUNDS OF CHA COMPLEX IDA B. WELLS. AND WITHIN 1000 FT. OF DOOLITTLE ELEMENTRY SCHOOL.

I HAVE READ THIS REPORT
AND BY MY SIGNATURE INDICATE
THAT IT IS ACCEPTABLE

SUPERVISOR'S SIGNATURE

DATE (DAY-MO-YR.)

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

STATUS		<input type="checkbox"/> 0 PROGRESS		<input type="checkbox"/> 1 SUSPENDED	<input type="checkbox"/> 2 UNFOUNDED	IF CASE IS CLEARED, HOW CLEARED (USE THIS BOX FOR SINGLE CLEARUP OR FIRST CLEARUP OF MULTIPLE CLEARUP LIST)				<input type="checkbox"/> 5 OTHER EXCEPTIONAL	<input type="checkbox"/> ADULT
<input type="checkbox"/> 3 CLRD. CLOSED	<input type="checkbox"/> 4 CLRD. OPEN	<input type="checkbox"/> 5 EXC. CLRD. CLOSED				<input type="checkbox"/> 1 ARREST & PROSECUTION	<input type="checkbox"/> 2 DIRECTED TO FAMILY COURT	<input type="checkbox"/> 3 COMPL. REFUSED TO PROSECUTE	<input type="checkbox"/> 4 COMMUNITY ADJUSTMENT		<input type="checkbox"/> JUV.
<input type="checkbox"/> 6 EXC. CLRD. OPEN		<input type="checkbox"/> 7 CLOSED - NON-CRIMINAL									
U-CR OFFENSE CODE		REV. CODE		REMARKS (PERTINENT INFORMATION NOT ON ORIGINAL REPORT)							
<input type="checkbox"/> 1 CORRECT											
<input type="checkbox"/> 2 REVISED											

PREPARED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

APPROVED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

CHICAGO POLICE DEPARTMENT
ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.388(6/03)-C

RD #: **HL783325**
Case ID: 4552431 casr201
EVENT #: **0534508459**

This Document is not an official copy. It is a computerized version of data entered from an original case report. A copy of the original case report can be obtained from the Records Division

INCIDENT	ASSIGNED TO ADMINISTRATIVE PERSONNEL		
	IUCR: 2024 - Narcotics - Poss: Heroin(White)		
	Occurrence Location: 511 E Browning Ave Chicago IL 60653 123 - Cha Parking Lot/Grounds	Beat: 0212	Unit Assigned: 0264D RO Arrival Date: 11 December 2005 12:00
	Occurrence Date: 11 December 2005 12:12	# Offenders: 2	

NON-OFFENDER(S)	VICTIM		
	Name: DIST 002		
	Res: 511 E Browning Ave Chicago IL 60653	Beat: 0212	
	CPD Officer: No		
NON-OFFENDER(S)	PERSON REPORTING OFFENSE		
	Name: DIST 002		
	Res: 511 E Browning Ave Chicago IL 60653	Beat: 0212	
	CPD Officer: No		

SUSPECT(S)	Suspect # 1		In Custody	
	Name: [REDACTED]		Demographics	
	Res: [REDACTED] Chicago ILLINOIS 60653	Beat: 0212	Female Black 5'04, 128 lbs , Brown Eyes Black Hair Medium Complexion	DOB: [REDACTED] 1971 Age: 34 years
	Suspect # 2		In Custody	
	Name: [REDACTED]		Demographics	
	Res: [REDACTED] Chicago ILLINOIS 60653	Beat: 0212	Male Black 5'09, 207 lbs , Brown Eyes Bald Hair Style Dark Complexion	DOB: [REDACTED] 1972 Age: 33 years

VEHICLE		

LOG# 1087744

Attachment 12
27-DEC-2017 11:16

RD #: HL783325



VEHICLE	Vehicle #1		Offenders Vehicle		
	Vehicle: 1997 General Motors Corp. - Unknown - Automobile		Owner: [REDACTED]		
	Color-Top/Bottom: Gold/		Style: Jeep, Blazer, Carryall Etc. - Vmo Must Be Tk		
	Stolen? No	Damaged? No	Destroyed? No	Burned? No	Theft From? No
VIN #: [REDACTED]		License Plate #: [REDACTED] - Illinois		Expires: February-2006	
Towed? Yes		Auto Pound: 00650 W 83rd St			

NARCOTICS	Narcotics #1		Possessor/User:		
	Type: Heroin/White		Taken/Stolen? No		
	Weight: 23.5 Grams		Recovered? Yes		
	Street Value: 3525	Owner: [REDACTED]			
Inventory #: 10659055					

Narcotics #2		Possessor/User:	
Type: Heroin/White		Taken/Stolen? No	
Weight: 23.5 Grams		Recovered? Yes	
Street Value: 3525	Owner: [REDACTED]		
Inventory #: 10659055			

PERSONNEL	Star No	Emp No	Name	User	Date	Unit	Beat
	Reporting Officer	815	# [REDACTED]	JONES, Alvin	[REDACTED]	24 Jan 2006 11:29	212

INV NO 10659055

PKG
NO.



UNIT
002

INVENTORY NO.

10659055

WARRANT NO.

DATE RECOVERED

11-DEC-2005



RD HL783325

RE-INVENTORY OF:

ITEM ID QUANTITY

DESCRIPTION OF PROPERTY

1198900 1 NARCOTIC / DRUG : PLASTIC SANDWICH BAG CONTAINING (50) SMALL ZIPLOCK BAGGIES EACH FILLED W/ A WHITE POWDER SUBSTANCE SUSPECT HEROIN

COMMENTS: VICE CASE REPORT

\$ DEPOSITED AMT

\$ INVENTORY AMT

MY SIGNATURE HEREON ACKNOWLEDGES
RECEIVING ALL PROPERTY DESCRIBED
IN THIS INVENTORY

RECIPIENTS SIGNATURE
X

ADDRESS - STREET

CITY STATE ZIP

DATE RECEIVED

OFFICER'S SIGNATURE - STAR - UNIT
X

WATCH COMDR.'S APPROVAL SIGNATURE
(EXEMPT RANK REQUIRED FOR FIREARMS)
X

COURT ORDER - DISPOSAL INSTRUCTIONS

Court Date 04-JAN-2006

Court Branch 48-2

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

CURRENCY:

IUCR: 2014 NARCOTICS MANU/DELIVER: HEROIN (WHITE)

STATE CHARGES: 720 ILCS 570.0/401-A-1-A

CHARGE TYPE: FELONY

INCHOATE: OFFENSE AS CITED

RECOVERED/SEIZED FROM - NAME

☐ DECEASED ☒ ARRESTED

AT 511 E BROWNING AVE
CHICAGO, IL 60653

BEAT OF RECOVERY
212

OWNER'S NAME

ADDRESS

CHICAGO, IL 60653

TELEPHONE NO.

JUDGE

CT.BR.

FOUND BY - NAME JONES, ALVIN Star: 19462

ADDRESS

TELEPHONE NO.

OFFICER'S SIGNATURE - STAR UNIT
X

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☒ HOLD FOR INVESTIGATION
AND/OR EVIDENCE
(IF NOT NEEDED FOR INVESTIGATION/EVIDENCE, LEAVE BLANK)

INVESTIGATING OFFICER -
JONES, ALVIN

STAR NO.
19462

UNIT
002

1st OFFICER'S NAME
JONES, ALVIN

STAR NO.
19462

☐ PROPERTY AVAILABLE FOR RETURN TO
OWNER

SIGNATURE
Electronic Approval

UNIT
002

☐ TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

2nd OFFICER'S NAME
MOHAMMED, KALLATT

STAR NO.
14122

INITIAL DESTINATION OF PROPERTY:
FORENSIC SERVICES DIVISION

SIGNATURE
Electronic Approval

UNIT
002

VIA ☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL
☐ E & RPS PICKUP ☐ EVID./LAB TECHNICIAN

APPROVING DESK SERGEANT
WATTS, RONALD

STAR NO.
2640

DATE
11-DEC-2005

TIME
13:59

LOG# 1087744

Attachment 13

INVENTORY NO

10659055

MY SIGNATURE ACKNOWLEDGES THAT I HAVE RECEIVED ALL PROPERTY DESCRIBED ON THE APPLICABLE LINES OF THIS INVENTORY AS SHOWN AT RIGHT.

LINE	OWNER'S SIGNATURE	OWNER'S ADDRESS	DATE RECEIVED	OFFICER MAKING TURN-OVER SIGNATURE & STAR NO.	WATCH COMMANDER'S APPROVAL
1198900					

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

DATE	E. & R.P.S. OFFICER'S SIGNATURE CONFIRMATION		OFFICER'S SIGNATURE ATTESTS RECEIVING OR RETURNING ALL LISTED PROPERTY	STAR NO.	UNIT	CONTINUANCE DATE & REMARKS	INDICTMENT OR DOCKET NO.
	OUT						
	IN						
	OUT						
	IN						
IDENTIFICATION VERIFICATION	VALID DRIVERS LICENSE NO.		STATE	CITY FIREARMS REGISTRATION NO.		ILLINOIS FIREARM OWNERS I.D. NO.	
	OTHER IDENTIFICATION (SPECIFY)			CLAIMANT'S SIGNATURE			
				E. & R.P.S. OFFICER'S SIGNATURE - STAR NO.			

ILLINOIS STATE POLICE
Division of Forensic Services
Forensic Science Center at Chicago
1941 West Roosevelt Road
Chicago, Illinois 60608-1229

(312) 433-8000 (Voice) * 1-(800) 255-3323 (TDD)

Rod R. Blagojevich
Governor

December 21, 2005

Larry G. Trent
Director

LABORATORY REPORT

ALVIN JONES 19462
CHICAGO POLICE DEPARTMENT UNIT 2
DISTRICT 2
5101 SOUTH WENTWORTH
CHICAGO, IL 60609

Laboratory Case #C05-057272
RD #HL783325

OFFENSE Violation of Controlled Substances Act
SUSPECT [REDACTED]

The following evidence was received by the Forensic Science Center at Chicago on December 14, 2005:
Inventory# 10659055

<u>LAB/AGENCY</u>	<u>ITEM SUBMITTED</u>	<u>FINDINGS</u>
1A	5.2 grams of white powder substance from 20 plastic bags	Heroin
1B	An estimated 7.9 grams of white powder substance in 30 plastic bags	No Analysis

730 ILCS 5/5-9-1.4(b) states that a criminal laboratory analysis fee of \$100 shall be imposed for persons adjudged guilty of an offense in violation of the Cannabis Control Act or the Illinois Controlled Substances Act.

The above results relate only to the items tested.

Respectfully submitted,

Penny Evans
Forensic Scientist

LOG# 1687744
Attachment 14

1 IN RE: PEOPLE VS. [REDACTED] AND [REDACTED]

2
3 SGJ# 2530
4 ARR. DATE: 1-20-06
5 06 CR 810

6 BEFORE THE SPECIAL GRAND JURY OF COOK COUNTY,

7
8 DECEMBER, 2005

9
10
11
12 TRANSCRIPT OF TESTIMONY TAKEN IN THE
13 ABOVE-ENTITLED MATTER ON THE 29TH DAY OF DECEMBER,
14 A.D., 2005.

15
16
17 PRESENT: MR. JOSEPH M. LATTANZIO
18 ASSISTANT STATE'S ATTORNEY

19 REPORTED BY DEBORAH E. DeSANTO
20 CERTIFIED SHORTHAND REPORTER
21 ILLINOIS LICENSE NO. 084-1384

22 LIST OF WITNESSES:

23 OFFICER JONES
24

LOG# 1087744

Attachment 15

1 THE FOREPERSON: Would you raise your
2 right hand, please.

3 (Witness Duly Sworn.)

4 MR. LATTANZIO: Ladies and gentlemen of
5 the Grand Jury, my name is Joe Lattanzio. I am
6 an Assistant State's Attorney assigned to the
7 Narcotics Unit.

8 The People of the State of Illinois are
9 seeking a True Bill of Indictment of defendants
10 [REDACTED] and [REDACTED] before the December
11 Special Grand Jury No. 2530. Both defendants are
12 charged with possession of a controlled substance
13 with intent to deliver, 1 or more grams but less
14 than 15 grams of heroin, and this is an amount
15 greater than 5 grams, which is a non-probationable
16 offense, on CHA property and within 1,000 feet of
17 a school.

18 The Grand Jury has the right to subpoena
19 and question any person against whom the State's
20 Attorney is seeking a Bill of Indictment, or any
21 other person, and to obtain and examine any
22 documents or transcripts relevant to the matter
23 being prosecuted by the State's Attorney.

24 At this time I ask leave to call Officer

1 Jones.

2 OFFICER JONES,
3 called as a witness herein, being first duly
4 sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MR. LATTANZIO:

7 Q. Officer, can you please state your name,
8 your star number, and your current unit of
9 assignment for the record.

10 A. Officer Jones, Star No. 19462, assigned
11 to the 2nd District of the Chicago Police
12 Department.

13 Q. Officer, turning your attention to
14 December 11, 2005, at approximately 12:12 p.m.,
15 were you on duty in the vicinity of 511 East
16 Browning in Chicago, Cook County, Illinois?

17 A. Yes.

18 Q. And, Officer, on that date, time, and
19 location, was defendant [REDACTED] observed to be the
20 driver of a vehicle committing a traffic
21 violation, at which time police officers curbed
22 the vehicle defendant [REDACTED] was in?

23 A. Yes.

24 Q. Officer, was defendant [REDACTED] observed to

1 be the front-seat passenger of that vehicle?

2 A. Yes.

3 Q. Officer, did police officers, upon
4 approach, observe defendant [REDACTED] give defendant
5 [REDACTED] a bag containing suspect narcotics, at which
6 time defendant [REDACTED] placed that same bag in the
7 console area of that vehicle?

8 A. Yes.

9 Q. Officer, did police officers recover that
10 bag, find it to contain 50 bags containing suspect
11 heroin?

12 A. Yes.

13 Q. Officer, with respect to where this
14 activity was occurring, to the best of your
15 knowledge, did it occur within 1,000 feet of
16 Doolittle Elementary School, as well as on CHA
17 property, the Ida B. Wells Complex?

18 A. Yes.

19 Q. Officer, with respect to the items that
20 were recovered from that vehicle, were they in
21 fact inventoried and sent to the Illinois State
22 Police Crime Lab for testing and analysis?

23 A. Yes.

24 Q. And, Officer, to the best of your

1 knowledge, did those items have a total estimated
2 weight of 13.1 grams, of which 5.2 grams tested
3 positive for heroin?

4 A. Yes.

5 Q. And, Officer, with respect to all these
6 events that you testified to today, did they take
7 place in Chicago, County of Cook?

8 A. Yes.

9 MR. LATTANZIO: Thank you. I have no
10 further questions.

11 THE FOREPERSON: Are there any other
12 questions from the Grand Jury?

13 (No Response.)

14 THE FOREPERSON: The witness is excused.

15 (Witness Excused.)

16 Whereupon the Grand Jury
17 was left alone to
18 deliberate, after which the
19 following proceedings
20 were had:

21 THE FOREPERSON: True Bill.

22 Whereupon the above-
23 entitled cause was
24 continued for arraignment

1 before the Presiding
2 Judge of the Criminal
3 Division.
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STATE OF ILLINOIS)
COUNTY OF C O O K) SS:

I, Deborah E. DeSanto, a Certified Shorthand Reporter licensed to practice in the State of Illinois, do hereby certify that I reported in shorthand the proceedings had in the hearing of the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify is a true and accurate transcript of the proceedings had before the Grand Jury of Cook County.

1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS
3

4 THE PEOPLE OF THE
5 STATE OF ILLINOIS

6 vs.

7 NO. 05 CR 2558001
8 06 CR 81001,02
9

10 REPORT OF PROCEEDINGS of the hearing
11 before HON. MICHAEL TOOMIN, on the 18th day of
12 September 2006.
13

14 APPEARANCES:

15 HON. RICHARD DEVINE,
16 State's Attorney of Cook County, by
17 MR. WILLIAM LASKARIS,
18 MR. TODD DOMBROWSKI,
Assistant State's Attorney,
appeared for the People;

19 MR. MATTHEW MAHONEY,
20 appeared for the Defendant.

21 DIONE R. RAGIN
22 2650 S. California Ave., 4C02
23 Chicago IL 60608
24 Official Court Reporter
C.S.R. #084-004066

LOG# 108744

Attachment 16

1 THE CLERK: [REDACTED]

2 THE COURT: Is he here yet from IDOC?

3 THE DEPUTY: I didn't get no paperwork yet.

4 MR. MAHONEY: Do you want to pass.

5 THE COURT: Well, I don't know if the state going
6 to be ready.

7 THE DEPUTY: He just walked in.

8 THE COURT: You don't have to bring him out right
9 now.

10 This is set for jury.

11 Are you going to be ready?

12 MR. LASKARIS: Yes, it should be ready.

13 THE COURT: You should.

14 MR. LASKARIS: Yes.

15 THE COURT: Does that mean you will be?

16 MR. LASKARIS: Yes.

17 THE COURT: And you, sir.

18 MR. MAHONEY: I will not.

19 THE COURT: Why?

20 MR. MAHONEY: Judge, I would prefer -- I have no
21 problem speaking about it on the record but I would
22 prefer to do it in chambers.

23 THE COURT: You know we went through this before.

24 The Supreme Court does not want things said that

1 are not on the record.

2 MR. MAHONEY: No, I don't have a problem being on
3 the record. I have a problem speaking about it in open
4 court.

5 THE COURT: All right.

6 We will pass it then.

7 (Whereupon the matter was passed
8 and recalled)

9 (Whereupon the following
10 proceedings were held in
11 chambers)

12 THE COURT: All right. You wanted talk here about
13 Mr. [REDACTED]

14 MR. MAHONEY: Yes, Matthew Mahoney.

15 THE COURT: Do you want the defendant [REDACTED]
16 present.

17 MR. MAHONEY: That's not necessary, your honor.
18 They know what this is about.

19 Judge, I have received information approximately
20 ten days ago that an officer -- who is the officer in
21 the case that Mr. [REDACTED] was previously convicted and is
22 one of the officers, the leader of the team, that
23 arrested him in this case is present in the case that's
24 set for trial today.

1 I received information that he was seen in a
2 stairwell at the Ida B. Wells with an individuals known
3 to me as [REDACTED]. Who is the individual who he
4 was also identified in DEA reports that I received
5 through discovery as being an individual Watts who
6 accepted bribes from in the past two years ago.

7 Other individuals, not either one of my
8 defendants, but other individuals in the housing project
9 saw Officer Watts and this individual [REDACTED] in a
10 stairwell. According to information I received that
11 police officers then moved in and detained Sergeant
12 Watts and that he was then taken away from the scene --

13 THE COURT: They moved what?

14 MR. MAHONEY: Detained Sergeant Watts.

15 THE COURT: Chicago Police Officers or ATF
16 Officers?

17 MR. MAHONEY: The only information was police
18 officer.

19 What I did was I called ASA David Navarro in
20 public corruption and he looked into the matter for me.
21 I was able to ascertain that was not the Chicago Police
22 Department internal affairs division. That they had no
23 knowledge of it. Other than that he was unable to get
24 any additional information. I have no additional

1 information.

2 But I do know from working both sides of the
3 felony in the past that it is not uncommon for federal
4 officials to detain an individual and if that individual
5 indicates a willingness to work with the federal
6 government and gathering evidence on other individuals
7 and it is not unusual at all for an individual to be
8 detained and then immediately released without any fan
9 fair and as a matter of fact a great deal of secrecy.

10 The partes are unable to obtain whether this is
11 completely erroneous or whether or not it's valid. The
12 DEA or FBI certainly will not confirm information like
13 that to a private attorney and probably not to a State's
14 Attorney.

15 And that is the reason why I am not ready for
16 trial. If that is the case, it might have a great
17 impact on Mr. [REDACTED] case.

18 THE COURT: Do you have anything to say?

19 MR. LASKARIS: Judge, the only thing I have to say
20 that all the officers are here. Sergeant Watts is
21 present under subpoena. He is present. And we are
22 going to be answering.

23 If David Navarro from special prosecution has no
24 information, that's the best that the state's attorney's

1 officer can do at this time. He is in special
2 prosecution. He would have excess to individuals that I
3 would not have excess to.

4 So if he cannot not verify it, there is no way --
5 my position for me to verify this information we would
6 be answering ready.

7 THE COURT: You know what you seem to be saying
8 today is something that I heard many many months ago
9 about this sergeant and Navarro was working on this with
10 you.

11 I had a set of reports. I heard those
12 allegations about the sergeant, about his team.

13 Mr. Navarro was involved in an investigation. It
14 went nowhere as far as special pros was concerned. I
15 know from a situation involving other officers who have
16 been the subject of reports in the newspapers in the
17 last week or so and I had had several of their cases.
18 The state has come in after requests for dates and nolle
19 pros'ed two separate cases.

20 I don't know which officers were even involved in
21 those cases. I assume that several of them were. Maybe
22 it's a different investigation.

23 But the state it seems to me is very much in tune
24 to this type of situation which is a very sensitive

1 situation where officers are alleged to have, you know,
2 been involved in shaking down clients or planting drugs
3 or some other shenanigans or illegal activity.
4 Obviously nobody wants to prosecute a case like that nor
5 would they.

6 But you raised that defense when we went to trial
7 on Mr. [REDACTED] earlier case. Simply there was no
8 evidence to support other than your allegations and his
9 testimony which the court obviously did not accept.

10 Now, I don't know that what you've heard now puts
11 a different complexion on this case if at all. If it
12 were to be -- if it were to be let's just assume that
13 that your suspicions, your conjecture has some merit
14 here and that at some point down the line Sergeant Watts
15 and his team are shown to be bad cops and if they have
16 done all the things you have said they did, don't you
17 think that if Mr. [REDACTED] suffered a conviction in this
18 case and in the other case where I have found them to be
19 credible don't you think that I would vacate those
20 convictions. I mean I have to and I certainly would.

21 But it seems to me that what you're telling me
22 now is just idle speculation and I don't view it as a
23 reason not to go ahead with this case. There are
24 protections that we all know can be availed of when

1 things crop up later and god knows I don't know. I
2 wasn't out there.

3 But right now it's just appears to me to be
4 blanket allegations that are no different than what you
5 made months and months ago when Navarro listened to them
6 and I listened to them. I maintained a separate file.

7 I know it was an investigation. IAD was involved
8 with these guys at least on the case, and nothing
9 happened. It bore no fruition at all.

10 And so the fact that he may have been seen there
11 with somebody I don't know the validity of that report
12 or the voracity of it or that some other officers other
13 than Chicago Police Officers have grabbed Watts and then
14 let him go. And your theory that perhaps he is doing
15 something for them now, I suppose it could be.

16 But that's all you have is where ever you are
17 getting this information and it's not your observations
18 and as the state indicates here this morning Navarro has
19 no -- he says that Chicago Police Officers didn't snatch
20 this guy. They didn't let him go. They didn't do
21 anything and that's where we're at.

22 MR. MAHONEY: Yes, and, your honor, certainly I see
23 the court's reasoning and I don't have any other
24 information other than reports of people who lived in

1 the projects and I don't know if they are correctly
2 interpreting what they saw, if they saw anything. I
3 simply don't know.

4 That brings us to the second issue, your honor.
5 This morning the state made to me a very concrete offer
6 and is subject to the court's approval in Mr. [REDACTED]
7 remaining cases. And I tentatively discussed those with
8 him this morning and they involve a reduction in class
9 of offenses.

10 And I would also want to look into -- it has been
11 a year since I did an Alfred plea but I don't know if an
12 Alfred plea would be necessary to protect his possible
13 post conviction rights if there does come a time when
14 Sergeant Watts is held to account for what he is alleged
15 to have done.

16 THE COURT: Well, we don't use Alfred pleas. I
17 happen to be working on a post conviction matter where
18 the lawyer quoted a case from Illinois that turned out
19 to be an Alfred plea and they talk about Alfred pleas.

20 I don't know what North Carolina has in the way
21 of protections but I don't recall ever taking an Alfred
22 plea myself. I don't know if there is any mysticism
23 about it.

24 But it seems to me that you have a situation as

1 you have spelled it out and the state has spelled it out
2 where it's like night and day either these are bad cops
3 or they are, you know, that they are renegade cops who
4 are outlaws or you've got some fellas who are feeding
5 you information who just have a vendetta against the
6 police who have been harassing them and arresting them
7 over in the Ida B. Wells project. That's understandable
8 that you can have two sides of the equation saying
9 entirely different things.

10 You know it's like black and white. One is
11 probably right and one is probably wrong. I don't know
12 which one. But I can't conceive of a situation where if
13 things should develop down the line where it turned out
14 that your suspicions are correct and that this guy is
15 tagged at some point that there is a judge in the
16 building I can't conceive the state would object to
17 vacating pleas and even convictions. It just would not
18 be right to allow convictions to if they were based upon
19 outlaw police.

20 And so I don't see that it's a problem post
21 conviction wise or if it was 30 days after the plea or
22 whatever. There is procedures in force that address the
23 specific things should it develop, you know. That's my
24 impression of the law.

1 MR. MAHONEY: And it's my impression as well, your
2 honor. And I wanted to double check on it my belief is
3 that stipulation at a plea that that, in fact, would be
4 the testimony and that if that testimony were believed
5 that it would be sufficient to convict and basically is
6 tantamount to an Alfred plea.

7 THE COURT: I don't think many of us -- or maybe I
8 am mistaken. Maybe some of us do. But I don't recall
9 situations where I ask the defendant did you do this or
10 did you not or whatever.

11 There is all the court has to have to support a
12 valid plea is the admonishments that he is giving up his
13 right to a trial and all the appurtenances of a trial
14 and that there is a factual basis. He doesn't have to
15 agree to the factual basis as long as the state reads it
16 into records and said that's what their evidence will
17 show and you stipulate not to the voracity of it but
18 simply that's what their evidence will show that's a
19 factual basis for a plea, Alfred or not.

20 It is a factual basis. I believe that's all
21 that's required for a valid plea of guilty.

22 MR. MAHONEY: That was my understanding. I just
23 wanted to make sure.

24 THE COURT: That's my understanding.

1 MR. MAHONEY: Your honor, that leave us then with
2 two issue to address. One is the court's approval of
3 the state's offer. I think we might as well address
4 that now.

5 THE COURT: All right.

6 MR. LASKARIS: All these three cases --

7 THE COURT: I may have heard something about this
8 case with the wife at some time for a bond hearing if
9 you can refresh my recollection on it.

10 MR. LASKARIS: There was a bond hearing on
11 January 20th of '06.

12 THE COURT: So has been -- it's the same case?
13 Right? [REDACTED] and [REDACTED]

14 MR. LASKARIS: Yes.

15 THE COURT: What's this case number?

16 MR. MAHONEY: '06 CR 810.

17 THE COURT: What's the charge? PCSI?

18 MR. LASKARIS: PCSI within a thousand feet.

19 THE COURT: Is it the Ida Wells?

20 MR. LASKARIS: Ida Wells parking lots.

21 THE COURT: Class 1 or X?

22 MR. LASKARIS: Class X.

23 THE COURT: What basically is supposed to have
24 happened here?

1 MR. LASKARIS: December 11, 2005 the officer
2 conducting a narcotic -- they get information that [REDACTED]
3 [REDACTED] would be transporting some blows. So they set up
4 a narcotic surveillance.

5 In the course of the narcotics surveillance [REDACTED]
6 [REDACTED] who was driving an automobile with Carissa [REDACTED]
7 was in was a passenger. They blew a stop sign. They
8 run a stop sign. They are pulled over by a marked
9 vehicle.

10 And Officer Jones approaches the defendant's car.
11 He sees [REDACTED] hand over a bag to the defendant,
12 [REDACTED] who then puts the bag in the driver's side
13 console.

14 THE COURT: And what's in the bag?

15 MR. LASKARIS: 50 blows.

16 THE COURT: 50 blows.

17 MR. LASKARIS: 50.

18 THE COURT: Any money?

19 MR. LASKARIS: No money.

20 THE COURT: Any statements?

21 MR. LASKARIS: No statements.

22 THE COURT: What's the total weight?

23 MR. LASKARIS: Total weight is 14.1.

24 THE COURT: 14.1 grams.

1 MR. LASKARIS: 5.2 grams are tested.

2 THE COURT: What's his age and her age? They are
3 married, aren't they?

4 MR. MAHONEY: They are married, yes, sir.

5 MR. LASKARIS: She is 34 at the time of the arrest.

6 MR. MAHONEY: He was 33.

7 THE COURT: Okay. He's got other convictions
8 besides the one --

9 MR. LASKARIS: Attempt murder conviction 1993. He
10 has a UOW felon conviction I think in --

11 MR. DOMBROWSKI: 1994, judge.

12 MR. LASKARIS: '94.

13 MR. DOMBROWSKI: And there is a 2002 PCS. He
14 received probation on that.

15 THE COURT: 2000.

16 MR. DOMBROWSKI: 2002.

17 THE COURT: PCS.

18 MR. DOMBROWSKI: Straight Class 4 PCS, judge.
19 Receive probation.

20 THE COURT: What did I have?

21 MR. LASKARIS: You have him on a class X PCS with
22 I.

23 THE COURT: Running through the building there.

24 MR. LASKARIS: You gave him 18 years initially

1 then -- -

2 THE COURT: Reduced it to 14. That was this year,

3 wasn't it?

4 MR. LASKARIS: Few months ago.

5 THE COURT: What are you talking about here?

6 MR. LASKARIS: On the PCS with I case talking about

7 straight PCS would be a class --

8 THE COURT: This is for both defendants? Both?

9 MR. LASKARIS: Both.

10 THE COURT: You are going to reduce to a --

11 MR. LASKARIS: Straight PCS. Still Class 1.

12 THE COURT: Class 1 PCS.

13 MR. LASKARIS: Anything over five grams on PCS

14 Class 1.

15 THE COURT: Five grams. It's 15.

16 MR. LASKARIS: I will reduce it down to -- we

17 talked about it being a Class 1.

18 THE COURT: If it's over 15, it's a one.

19 MR. LASKARIS: Would be Class 1.

20 THE COURT: What would be a Class 1 if you went

21 with the PCS I without the 1000 feet?

22 MR. LASKARIS: It would be Class 1.

23 THE COURT: That's up to 1 to 15 if it's cocaine is

24 a one.

1 MR. LASKARIS: I believe I charged with a Class 1.

2 THE COURT: He probably is.

3 MR. LASKARIS: He is charged Class 1.

4 THE COURT: 1401 D.

5 MR. LASKARIS: Charged.

6 THE COURT: C.

7 MR. LASKARIS: C, one.

8 THE COURT: That's Class 1. That's for both then?
9 Right.

10 MR. LASKARIS: Except if it's more than five grams
11 it's nonprobationable. We can say for her it's less
12 than five grams.

13 THE COURT: What are you talking about for her?

14 MR. LASKARIS: Probation. She has no background.

15 THE COURT: Probation for [REDACTED]

16 MR. LASKARIS: With the minimum on him, four.

17 MR. MAHONEY: These are all mandatory consecutive.

18 THE COURT: Yes. He gets back the 18 that I
19 reduced. Okay. I don't have a problem with it.

20 MR. LASKARIS: Plus it's a gun case also.

21 MR. MAHONEY: It's a bullet found in the apartment.

22 MR. LASKARIS: Bullet found in the apartment. He
23 is charged with a Class 22 based on the attempt murder.
24 If we put prior felony Class 4 PCS, that's only Class 3.

1 So I will give him the minimum on that. Two years.
2 THE COURT: Two plus.
3 MR. LASKARIS: Has to be that way or else it's four
4 plus two.
5 THE COURT: I didn't realize it was another
6 indictment. When did they find the bullets?
7 MR. LASKARIS: October 5.
8 THE COURT: So it was different date than this?
9 Right?
10 MR. LASKARIS: This is December 11. This is
11 December 5. That other is 1st of March. So he got 14
12 year on March 1. Then these two came.
13 THE COURT: November 5th.
14 MR. LASKARIS: The exact date is October 12.
15 THE COURT: Now there was another case that I
16 granted a motion on.
17 MR. LASKARIS: Yes.
18 THE COURT: Something with mailboxes.
19 MR. LASKARIS: You granted a motion on that.
20 THE COURT: Was that same cops on that?
21 MR. LASKARIS: Yes.
22 THE COURT: What was the problem with that?
23 MR. LASKARIS: They stuck it in the mailbox.
24 THE COURT: They didn't have permission to go

1 behind to --

2 MR. MAHONEY: They didn't have permission when they
3 put it in there and they didn't have permission when
4 they took it out.

5 THE COURT: Right. They got into the mail room to
6 do that.

7 MR. MAHONEY: Judge, this is for these people this
8 is bad. Obviously Mr. [REDACTED] based on his background
9 does have a history being involved in criminal activity.
10 There is no about that.

11 It's also my having been a State's Attorney in
12 public corruption for almost four years it's also my
13 firm belief these officers are corrupt. I can't prove
14 it.

15 THE COURT: You know if you get somebody more than
16 Mr. [REDACTED] to say that, you know, obviously with his
17 baggage and he is not going to be a very credible
18 witness for anybody, state or federal. But I don't
19 know.

20 Maybe stranger things have happened and it may be
21 that he is. That he is telling the truth I don't know
22 but on the basis of what we have seen there is just not
23 enough there to credit him.

24 MR. MAHONEY: It's a shame but you are absolutely

1 right.

2 THE COURT: Well, you can tell them both I have
3 given my conditional concurrence.

4 I don't know if you want them admonished or not.
5 I don't know if it's necessary.

6 MR. MAHONEY: Judge, I would still be seeking a
7 date maybe a week or so I can have sometime to talk to
8 them about it and the possible ramifications of going to
9 trial.

10 Mr. [REDACTED] appears to be with the program but.

11 THE COURT: You have got witnesses here today and,
12 you know, I have got the time and I am ready to do it.

13 MR. MAHONEY: If you will give me an hour or so.

14 THE COURT: I will give you that.

15 If we have to pick the jury after lunch, we will
16 do that.

17 I am not going to give it a date just to have
18 them think about it for a while.

19 MR. MAHONEY: If you can give me a half hour.

20 THE COURT: All right. I will give you a half
21 hour.

22 MR. MAHONEY: I will find out right now.

23 THE COURT: Okay.

24 (Whereupon the matter was passed and

1 recalled)

2 THE COURT: We have Mr. [REDACTED] and Ms. [REDACTED] before
3 the court.

4 And I understand there has been an agreement
5 that has been reached conditionally; is that correct?

6 MR. MAHONEY: Yes, your honor. Matthew Mahoney on
7 behalf of both defendants.

8 We have reached an agreement with the state
9 subject to your approval.

10 MR. LASKARIS: Judge, at this time the state would
11 be seeking leave to amend count three. Just striking
12 the words more than five grams so it will just read it's
13 heroin which would make it the same class except it will
14 be probation.

15 MR. MAHONEY: No objection, waive reswearing, and
16 reexecution.

17 THE COURT: That will be the same for both Mr.
18 [REDACTED] and Ms. [REDACTED]

19 MR. LASKARIS: Yes.

20 THE COURT: So it will be the same indictment same
21 charges?

22 MR. LASKARIS: Yes.

23 THE COURT: That is in return for an agreed
24 sentence for Mr. [REDACTED] of two years on the gun charge,

1 the earlier charge, and four years on this case the
2 possession of intent to deliver. Those would run
3 consecutive to the sentence previously imposed; is that
4 right?

5 MR. LASKARIS: Yes, to 14 years, judge.

6 THE COURT: That's your understanding, Mr. [REDACTED]

7 DEFENDANT [REDACTED] Yes.

8 THE COURT: And, Ms. [REDACTED] your case the reduction
9 of the charge in your cases would mean that it is
10 probationable and you will be pleading guilty to that
11 count in return for one year probation; is that your
12 understand, Ms. [REDACTED]

13 DEFENDANT [REDACTED] Yes.

14 THE COURT: Do you understand both of you that
15 nobody is forcing you to plead guilty here. Under the
16 law you do have a right to continue with the pleas of
17 not guilty entered earlier and have trials before myself
18 or before a jury that would be impaneled by the lawyers
19 in the case.

20 If either of you did have a jury trial, you could
21 not be found guilty here unless all 12 jurors picked by
22 the lawyers after the evidences concluded -- after
23 hearing the evidence concluded that you have been proved
24 guilty beyond a reasonable doubt. When you have a jury

1 trial that is a standard or burden of proof.

2 If you had a bench trial, I would be bound to the
3 same burden. That is I could not find you guilty unless
4 I were convinced from that you had been proved guilty
5 beyond a reasonable doubt.

6 Do you understand that, Mr. [REDACTED]

7 DEFENDANT [REDACTED] Yes.

8 THE COURT: And, Ms. [REDACTED] and each of you have
9 signed jury waivers; correct?

10 DEFENDANT [REDACTED] Yes.

11 THE COURT: You are giving up your right to jury
12 trial? That's what you want to do?

13 DEFENDANT [REDACTED] Yes.

14 THE COURT: Ms. [REDACTED]

15 DEFENDANT [REDACTED] Yes.

16 THE COURT: It's also important you understand the
17 possible penalty that attaches to these offenses in view
18 of the state's action of reducing the charges.

19 As to Mr. [REDACTED] the charges that are going to be
20 dismissed were class X felony carrying a range of 6 to
21 30 years. You're being allowed to plead guilty to
22 Count 3 which is a Class 1 felony providing for a
23 sentence to 4 to 15 years in the department corrections,
24 a possible fine of \$250,000, mandatory parole period of

1 two years. And by law this sentence would have to be
2 consecutive to the sentence in the gun case which is a
3 Class 4 felony.

4 MR. LASKARIS: Class 3.

5 THE COURT: Providing for a sentence of two to
6 five years and you would be receiving the minimum
7 sentence on that offense. Do you understand that?

8 DEFENDANT [REDACTED] Yes.

9 THE COURT: Ms. [REDACTED] you would be pleading guilty
10 to a Class 1 felony providing for a possible sentence of
11 4 to 15 years, a fine up to \$250,00 with mandatory parole
12 period of two years.

13 It is however probationable in your case because
14 it alleges that the amount of Heroin was less than five
15 grams which is the amount that makes this
16 nonprobationable under the law.

17 Those are the charges that are now before the
18 court. That is what the state's attorney would now have
19 to prove.

20 Your lawyer if you did go to trial and either
21 instance would have the opportunity at trial to
22 cross-examine or ask questions of each witness who came
23 to court to testify here against you. You would also
24 have the opportunity to present your side of the story

1 if either of you chose to take the witness stand and
2 testify here under oath. And you would also have the
3 opportunity to present such other evidence that you
4 might have by way of defense to the charges here if
5 indeed you had a defense.

6 When you plead guilty, however you will be giving
7 up of each of those rights.

8 Do you understand that, Mr. [REDACTED]

9 DEFENDANT [REDACTED] Yes.

10 THE COURT: And you, Ms. [REDACTED]

11 DEFENDANT [REDACTED] Yes.

12 THE COURT: Other than the results of the
13 conference that had been made known to the both of you,
14 have there been any other promises made to either of you
15 to cause you to plead guilty?

16 DEFENDANT [REDACTED] No.

17 DEFENDANT [REDACTED] No.

18 THE COURT: Has anybody threatened you or coerced
19 you to make you plead guilty, Mr. [REDACTED]

20 DEFENDANT [REDACTED] No.

21 THE COURT: Ms. [REDACTED]

22 DEFENDANT [REDACTED] No.

23 THE COURT: You each are pleading guilty of your
24 own freewill with the full understanding of the

1 consequences that I have explained to you. Is that
2 right?

3 DEFENDANT [REDACTED] Yes.

4 DEFENDANT [REDACTED] Yes.

5 THE COURT: Is there a factual basis that would
6 support the pleas here?

7 MR. LASKARIS: Yes, if called to testify the state
8 would call Officer Jones star number 19462 he would
9 testify that on December 11, 2005, at approximately
10 12:12 he was at the address of 511 East Browning Avenue,
11 Chicago, Cook County. He would testify that he pulled
12 up on an automobile driven by Mr. [REDACTED] whom he
13 would identify in court who stands before you as a
14 passenger in his vehicle was [REDACTED] who he would
15 identify as the defendant who stands before you.

16 And at that time he observed the defendant,
17 [REDACTED] hand to the defendant, [REDACTED] a
18 clear plastic bag. At this time the defendant, [REDACTED]
19 [REDACTED] then placed this bag on the driver's side arm
20 rest console.

21 There would be further testimony that he detained
22 both defendants, approached and recovered this bag found
23 to contain 50 zip-lock bags of suspected Heroin. That
24 he inventoried this using proper police procedure under

1 inventory renumber 10659055.

2 It would be further testimony from Penny Evans
3 who is a forensic scientist employed by the Illinois
4 State Police. She would testify that she is qualified
5 in the area of forensic chemistry. There would be
6 further testimony that she tested inventory number
7 10659055 using proper procedures and properly calibrated
8 machines. She would testify that to a reasonable degree
9 of scientific certainty that items inventory number
10 10659055 tested positive for Heroin.

11 MR. MAHONEY: Your Honor, we would stipulate that
12 if those witnesses were called to testify that, in fact,
13 would be their testimony.

14 MR. LASKARIS: In regards to just the defendant,
15 Mr. [REDACTED] under case number 05 CR 25580 there is an
16 amendment to the complaint. We struck the words attempt
17 first degree murder and inserted possession of
18 controlled substance 03 CR 28397. Inserting 89 CR 24840
19 which remained as a Class 3 felony.

20 In regards to the class of that case there will
21 be testimony from Officer Seski (phonetic) star number
22 7520 that at the time that on October 12th 2005 at
23 1925 hours they went to [REDACTED],
24 Chicago, Cook County.

1 At that time they spoke with a female by the name
2 of [REDACTED] At that time verbal and written
3 consent was given to search a residence. Through a
4 search of this residence ammunition was recovered.

5 In this residence there would be further
6 testimony that the above offender [REDACTED] whom they
7 would identify in open court as the person who stands
8 before you voluntarily stated at the time that those are
9 my bullets but there is no gun here.

10 There would be further testimony by certified
11 copy that the defendant had been previously convicted of
12 a possession of controlled substance under case number
13 89 CR 24840. And that that was his place of abode at
14 the time.

15 MR. MAHONEY: We stipulate that if those witnesses
16 were called to testify that, in fact, would be the
17 testimony.

18 THE COURT: Based upon the responses of the
19 defendants to questions put to them this date, based
20 upon the stipulations that have been entered, the court
21 finds that there is a factual basis for the guilty pleas
22 offered today freely and voluntarily. They will be
23 accepted, spread of record, findings will be entered in
24 the manner and form as charged. These are agreed

1 dispositions. The court is apprised of the backgrounds
2 of both defendants.

3 State have anything further you wish to say at
4 this time?

5 MR. LASKARIS: Judge, we will rest on the
6 agreement.

7 THE COURT: Counsel.

8 MR. MAHONEY: Rest on the agreement.

9 THE COURT: Mr. [REDACTED] anything you want to say.

10 DEFENDANT [REDACTED] (Shaking head).

11 THE COURT: Ms. [REDACTED]

12 DEFENDANT [REDACTED] Yes, I would like to say
13 something. I think it's unfair.

14 THE COURT: Pardon me.

15 DEFENDANT [REDACTED] I think it's unfair.

16 THE COURT: Unfair. Okay.

17 DEFENDANT [REDACTED] I believe it's unfair because I
18 don't think that it's right for our case to be here.

19 THE COURT: Your case to what?

20 DEFENDANT [REDACTED] I don't think it's fair for our
21 case to run together.

22 THE COURT: To run together. You and Mr. [REDACTED]

23 DEFENDANT [REDACTED] Yeah.

24 THE COURT: You were charged together and you were

1 indicted together. There has been no reason brought my
2 attention of why the case should not include the both of
3 you. No reason for a severance where you would be
4 entitled to be treated separately at a separate trial
5 from [REDACTED] Nothing in the law that's been suggested to
6 me that means that you have conflicting defenses or that
7 there was a statement made by Mr. [REDACTED] that implicated
8 you or you said something that implicating him.

9 Those are reasons to have separate trials but I
10 haven't been apprised of anything that would cause that
11 to be the case here.

12 Anything else? Any other reason you have?

13 DEFENDANT [REDACTED] No.

14 THE COURT: Let me say this to both of you. I know
15 through your lawyer what your position has been with
16 regard to these police officers. I'm keenly aware of
17 that. I know how you feel. I know what your defenses
18 were earlier, Mr. [REDACTED]

19 There has not been sufficient showing me that
20 these are renegade police officer. That they are bad
21 police that they outlaws. If something should happen in
22 the future where has happened before as you may have
23 read about in the paper in the last few weeks police
24 officers do get charged with doing things that are

1 wrong, breaking the law.

2 If that should happen here in this case I would
3 have no hesitation but to vacate all of the guilty
4 findings, judgments, sentences including the 14 years
5 that you're doing now. That just is not the case.
6 There needs to be something more if that indeed has any
7 validity to it at all. From what was presented before, I
8 did not find that to be so.

9 If something should later develop, then I think
10 your lawyer has told you my position and I would vacate
11 these findings and I would toss out these convictions
12 but it's just not the situation that's before me at this
13 time.

14 Do each of you understand that?

15 DEFENDANT [REDACTED] Yes.

16 DEFENDANT [REDACTED] Yes.

17 THE COURT: As to [REDACTED] it will be the judgment
18 and sentence of this court that he will be remanded to
19 the custody of the department corrections for
20 determinate sentence of two years. That will run
21 consecutive to the sentence imposed in case number 2005,
22 8982. On case number 2006, 810 count three Mr. [REDACTED]
23 will be sentence to four years Illinois department
24 correction consecutive to the sentence imposed in case

1 number 2005, 25580. State will nolle pros count 1 and
2 two.

3 As to [REDACTED] in case 2006, 810 count
4 three as amended she will be sentence to one year
5 probation the state will nolle pros count one and two.
6 All though each of you have plead guilty and been found
7 guilty the law requires me to tell you that you do have
8 a right to appeal from the these judgments. To do that
9 however you must within 30 days file with the court
10 written motions asking permission to vacate the
11 judgments and to withdraw your guilty pleas.

12 If you were inclined to do that, it would be
13 necessary for you to include each and every reason upon
14 which you rely or they would be waived for appeal and
15 could not be raised on appeal. If you were without
16 funds to do that, counsel could be appointed to
17 represent you and transcripts of the proceedings heard
18 today could be made available to aid your lawyer in that
19 effort.

20 If I allowed you to vacate the judgements and
21 withdraw the pleas, it would not mean the cases would
22 disappear or go away. What would happen is they would
23 be placed back on the trial calendar, eventually set
24 down for trial. If you were found guilty thereafter you

1 could possibly receive the same sentences or any
2 sentence up to the maximum that I told you were possible
3 under these circumstances.

4 Do you understand that, Mr. [REDACTED]

5 DEFENDANT [REDACTED] Yes.

6 THE COURT: You, Ms. [REDACTED]

7 DEFENDANT [REDACTED] Yes.

8 THE COURT: Very well.

9 Does he receive any additional good time. His
10 time would be aggregated so that all sentences credit
11 for good time will be aggregated in the event -- would
12 there be any difference in what he has now.

13 MR. MAHONEY: Your honor. I believe he would be
14 entitled two days credit for the time that he spent
15 prior to posting bond.

16 THE COURT: And that's on which? Both cases?

17 MR. MAHONEY: Two days for each case.

18 THE COURT: Two days time considered served. We
19 can only be put on one case though.

20 MR. MAHONEY: Actually, judge, the defendant
21 informs me that he was in for 30 days before he bonded
22 out.

23 DEFENDANT [REDACTED] I came to the county December 12
24 and bonded out January 24.

1 THE COURT: On which case, sir?

2 DEFENDANT [REDACTED] Possession case.

3 THE COURT: Drug case?

4 DEFENDANT [REDACTED] Yeah.

5 THE COURT: Check the files. If that's the case,
6 we'll adjust it.

7 MR. MAHONEY: Judge, also as to Ms. [REDACTED]
8 probation, I would ask the court to waive or reduce the
9 probation fees. She is the mother of three children.
10 She is the sole breadwinner in the family.

11 THE COURT: \$10 a month. That's it.

12 MR. MAHONEY: Judge, there is one other thing. Ms.
13 [REDACTED] has change addresses since she posted bond. There
14 are no CBR in the courtroom. I didn't anticipate it
15 since I am going to be returning the money in full to
16 her. I will locate a CBR and fill it out.

17 If the court could just inquire of her now as to
18 her consent that I am going to be returning the entire
19 amount to her.

20 THE COURT: Is that what you want.

21 DEFENDANT [REDACTED] Yes.

22 THE COURT: That's fine.

23 And so the CBR on her cases alone?

24 Right?

1 MR. MAHONEY: Yes, your honor.

2 THE COURT: I will sign it. You fill it out.

3 MR. MAHONEY: Ms. [REDACTED] would like to hug Mr.

4 [REDACTED]

5 THE COURT: Yes.

6 The court will stand in recess until tomorrow
7 morning.

8 (Which were all the proceedings
9 had in the above entitled cause.)

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1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS
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6 I, DIONE R. RAGIN, Official Court Reporter of
7 the Circuit Court of Cook County, do hereby certify
8 that I reported the proceedings had in the
9 above-entitled cause, that I thereafter caused the
10 foregoing to be transcribed into typewriting, which
11 I hereby certify to be a true and accurate
12 transcript of the proceedings had on this date.
13

14
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16
17 DIONE R. RAGIN,
Official Court Reporter
#084-004066
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IN THE FIRST JUDICIAL CIRCUIT, COOK COUNTY
STATE OF ILLINOIS

People of the State of Illinois,

Plaintiff,

v.

Defendant.

Case No.: 06 CR 0081001

PETITION FOR POST-CONVICTION HEARING PURSUANT TO 725 ILCS 5/122-1 (a) (1)

Now comes the defendant, [REDACTED] by and through his attorney, John W. Heiderscheidt, pursuant to 725 ILCS 5/122-1 (a) (1), and states as follows:

1. [REDACTED] Defendant, was indicted on three counts of Possession With Intent to Deliver a Controlled Substance in violation of 720 ILCS 570/401 et. seq. on January 4, 2006. The case number for this file is 06 CR 0081001;
2. On September 18, 2006, [REDACTED] entered a plea of guilty in 06 CR 0081001;
3. This case arose while defendant was on bond for charges pending in case file number 05 CR 8982;
4. At trial in case # 05 CR 8982, defendant alleged that he had been the victim of a "frame-up" by Chicago Police officers, including Sergeant Ronald Watts ("Watts") and other members of Watts' tactical team;
5. Based on testimony from Watts and other officers, the trial judge found defendant guilty in case # 05 CR 8982;
6. In February, 2012, Watts and Officer Kallatt Mohammed ("Mohammed") were indicted by the Department of Justice in case file number 12 CR 0087;
7. In August, 2012, Mohammed plead guilty to charges contained in 12 CR 0087. As a part of his guilty plea in the case, Mohammed implicated Watts in an extortion scheme conducted by Watts in the Ida B. Wells CHA complex. See, Petition to Vacate Judgment and Exhibits in case file 05 CR 8982, attached as Exhibit B;

8. This evidence was not available to the defendant prior to trial in case # 05 CR 8982 and therefore was not introduced in trial;
9. After the resolution in case file # 05 CR 8982, Defendant felt hopeless to fight the charges in case file # 06 CR 0081001;
10. Defendant knew that if he plead guilty to the charges in case # 06 CR 0081001, his wife would not be incarcerated for her alleged role in the criminal file;
11. Based on the foregoing facts, there was a substantial violation of the defendant's Fifth and Fourteenth Amendment rights to due process under the United States Constitution, and there was a substantial violation of the defendant's Article I section 2 due process rights under the Illinois Constitution in that a guilty plea was not voluntarily entered by defendant; and
12. Defendant's Petition for Relief from Judgment, affidavit, and subpoenas duces tecum, are attached hereto as Exhibits, and incorporated in support of Defendant's motion.

WHEREFORE, Defendant prays that this court

- A. Docket the matter for further proceedings;
- B. Allow Defendant sufficient time to amend this petition to add additional claims and supporting affidavits and factual material as the investigation continues; and
- C. Grant Defendant's corresponding pauper's petition.


John W. Heiderscheidt

John W. Heiderscheidt
Attorney for Petitioner
725 S. Wells St.
Suite M-100
Chicago, IL 60607
312-431-9000
ARDC: 6305341
Cook County # 49365

IN THE FIRST JUDICIAL CIRCUIT, COOK COUNTY
STATE OF ILLINOIS

People of the State of Illinois,

Plaintiff,

v.

Defendant.

AFFIDAVIT OF

I [REDACTED] being first duly sworn, state that I have read the foregoing petition and that the contents contained therein are true and accurate to the best of my knowledge, information, and belief:

1. On March 23, 2005, Chicago Police Officers arrested me on various narcotics charges. The case file number for these charges was 05 CR 8982;
2. On June 9, 2006, I testified in my defense against the charges contained in the indictment connected with 05 CR 8982;
3. Specifically, I testified that the charges were a result of my refusal to pay bribe money solicited by Chicago Police Sergeant Ronald Watts;
4. By this affidavit, I hereby re-attest and swear to all my trial testimony given in case file number 05 CR 8982;
5. Prior to the bench trial held in case file number 05 CR 8982, the same police officers falsely arrested me and my wife on similar charges in case file number 06 CR 0081001;
6. The Honorable Judge Toomin, after hearing the evidence against me in case file number 05 CR 8982, convicted me on three of the four counts charged in the indictment;
7. After my conviction, I felt hopeless to fight further charges, and I plead guilty in case file number 06 CR 0081001, to prevent my wife, a co-defendant in 06 CR 0081001, from having to serve significant prison time on the false charges;

Exhibit A

LOG# 1087744

Attachment 18

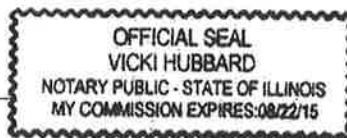
8. As such, my plea was coerced and not voluntary;
9. In February, 2012, I first learned of a federal indictment handed down by the Department of Justice against Sergeant Watts and Kallatt Mohammed;
10. In August, 2012, I first learned that Kallatt Mohammed plead guilty to extorting money from narcotics dealers in the Ida B. Wells CHA housing complex;
11. In his guilty plea, Kallatt Mohammed implicated Sergeant Watts in the same extortion scheme;
12. If this evidence existed at the time of my trial, I would have instructed my trial attorney to introduce it for the Court's review;
13. I have since hired a lawyer to re-open this file so that I may have a new trial in the matter;
14. I have caused this motion to be filed as quickly as I have been able given my limited financial means;
15. I am without financial resources to pay for the costs of ordering certified trial transcripts, filing fees, and other costs associated with my post-conviction proceedings; and
16. I swear that the contents of my petition for relief from judgment in case file # 05 CR 8292 and the contents of my petition for post-conviction relief in case file # 06 CR 0081001, are true and accurate.

Further Your Affiant Sayeth Not.



Subscribed and Sworn to before me this 31ST day of OCTOBER, 2012

Vicki Hubbard
Notary Public



CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 001 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

GENERAL INFORMATION

CB: 016389858 IR: 0901905 SID: 028420360 FBI: 755126RA4 RD: HL783325

CHARGE INFORMATION

NBR	A	TYPE	CLASS	CHAPTER/SECTION
001		F	X	720-570/407(B)(1)
002		F	X	720-570/407(B)(1)
003	A	F	1	720-570/401(C)(1)

DESCRIPTION

MFG/DEL HEROIN/SCH/PUB H
MFG/DEL HEROIN/SCH/PUB H
MFG/DEL 10-15 GR HEROIN/

DISPOSITION INFORMATION

010406 - 0411 -

IND/INFO-CLK OFFICE-PRES JUDGE 012006 1701 CR0081001 I
06CR0081001 ID# CR100020877 AND ID# CR100040110
CLERK'S OFFICE 26TH & CALIFORNIA 0900 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

LOG# 1087744

Attachment 19

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 002 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

012006 - 0415 -

CASE ASSIGNED

012006

1726

BIEBEL, PAUL JR.

ROOM 101

26TH & CALIFORNIA

0900 AM

012006 - 0890 -

DEFENDANT IN CUSTODY

000000

BIEBEL, PAUL JR.

ROOM 101

26TH & CALIFORNIA

0900 AM

012006 - 0896 -

PRISONER DATA SHEET TO ISSUE

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

012006 - 0922 -

APPEARANCE FILED

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 003 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

012006 - 0416 -

DEFENDANT ARRAIGNED

000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA

0930 AM

012006 - 0422 -

PLEA OF NOT GUILTY

000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA

0930 AM

012006 - 0322 -

MOTION FOR DISCOVERY

000000

F

1

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 004 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

012006 - 0363 -

MOTION FOR BAIL REDUCTION

S 2

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

012006 - 0601 -

BAIL AMOUNT SET

30000.00

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA

012006 - 0676 -

O/C ONLY REL DEF ON D BOND

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA

012006 - 0986 -

ADMONISH AS TO TRIAL IN ABSENT 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 005 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

012006 - 0305 -

CONTINUANCE BY AGREEMENT

030906

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

012306 - 0896 -

PRISONER DATA SHEET TO ISSUE

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

012306 - 0299 -

CASE ADVANCED

030906

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 006 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

030906 - 0305 -

CONTINUANCE BY AGREEMENT

032706

EGAN, JAMES D.

ROOM 702

26TH & CALIFORNIA

0930 AM

032706 - 0305 -

CONTINUANCE BY AGREEMENT

040306

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

040306 - 0305 -

CONTINUANCE BY AGREEMENT

042106

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

042106 - 0891 -

DEFENDANT ON BOND

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 007 OF 019

DEFENDANT NAME: [REDACTED] [REDACTED]

LST APPEAL:

042106 - 0305 -

CONTINUANCE BY AGREEMENT

042806

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

042806 - 0896 -

PRISONER DATA SHEET TO ISSUE

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

042806 - 0305 -

CONTINUANCE BY AGREEMENT

052306

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 008 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

052306 - 0305 -

CONTINUANCE BY AGREEMENT

060506

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

060506 - 0891 -

DEFENDANT ON BOND

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

060506 - 0305 -

CONTINUANCE BY AGREEMENT

060906

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

060906 - 0890 -

DEFENDANT IN CUSTODY

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT

=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 009 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

060906 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

060906 - 0305 -

CONTINUANCE BY AGREEMENT 070706

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

070706 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 010 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

070706 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

070706 - 0305 -

CONTINUANCE BY AGREEMENT 072806

STATE ELECTS

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

072806 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 011 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

072806 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

072806 - 0999 -

SPECIAL ORDER 000000

BOND EXONERATED

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

072806 - 0612 -

CASH BOND REFUND TO ATTORNEY 000000

B001

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 012 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

072806 - 0300 -

WITNESSES ORDERED TO APPEAR 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

072806 - 0305 -

CONTINUANCE BY AGREEMENT 091206

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

080406 - 0758 -

CBR PROCSED FRWD ACCT DEP 000000

CLERK'S OFFICE 26TH & CALIFORNIA 0930 AM

091206 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 013 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

091206 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

091206 - 0300 -

WITNESSES ORDERED TO APPEAR 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

091206 - 0305 -

CONTINUANCE BY AGREEMENT 091806

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

091806 - 0421 -

PLEA OF GUILTY 000000

C003

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 014 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

091806 - 0103 -

NOLLE PROSEQUI

000000

C001

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

091806 - 0103 -

NOLLE PROSEQUI

000000

C002

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

091806 - 0426 -

JURY WAIVED

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 015 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

091806 - 0431 -

FINDING OF GUILTY

000000

C003

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

091806 - 0516 -

DEF SENTENCED ILLINOIS DOC

000000

C003

TOOMIN, MICHAEL P.

MIN 004 Y

ROOM 702

26TH & CALIFORNIA

0930 AM

091806 - 0521 -

CREDIT DEFENDANT FOR TIME SERV

000000

TOOMIN, MICHAEL P.

MIN

030 D

ROOM 702

26TH & CALIFORNIA

0930 AM

091806 - 0988 -

SENTENCE TO RUN CONSECUTIVE

000000

05CR25580

TOOMIN, MICHAEL P.

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE) PAGE: 016 OF 019
DEFENDANT NAME: [REDACTED] LST APPEAL:
ROOM 702 26TH & CALIFORNIA 0930 AM

091806 - 0703 -
WARRANT QUASHED 000000
TOOMIN, MICHAEL P.
ROOM 702 26TH & CALIFORNIA 0930 AM

091806 - 0996 -
RECALL/EXEC SENT TO POLICE AGY 000000
CLERK'S OFFICE 26TH & CALIFORNIA 0930 AM

111912 - 0460 -
POST-CONVICTION FILED 000000
CLERK'S OFFICE 26TH & CALIFORNIA 0930 AM

111912 - 0388 -
HEARING DATE ASSIGNED 112612 1726
CLERK'S OFFICE 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 017 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

112612 - 0305 -

CONTINUANCE BY AGREEMENT

011013

FORD, NICHOLAS R.

ROOM 702

26TH & CALIFORNIA

0930 AM

011013 - 0890 -

DEFENDANT IN CUSTODY

FORD, NICHOLAS R.

ROOM 702

26TH & CALIFORNIA

011013 - 0305 -

CONTINUANCE BY AGREEMENT

031413

FORD, NICHOLAS R.

ROOM 702

26TH & CALIFORNIA

0930 AM

011513 - 0388 -

HEARING DATE ASSIGNED

021313

1726

CLERK'S OFFICE 26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 018 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

021313 - 0782 -

POST-CONV PETITION DISMISSED

FORD, NICHOLAS R.

ROOM 702 26TH & CALIFORNIA

022213 - 0178 -

NOTIFICATION SENT TO DEFENDANT

CLERK'S OFFICE 26TH & CALIFORNIA

031716 - 0874 -

NOTICE OF MOTION/FILING

032316

1700

I09000001

JOINT MOTIONFOR BOTH DEFTS TO VACATE CONVICTION 02DEFT HAS [REDACTED]EXPUNGED
CLERK'S OFFICE 26TH & CALIFORNIA 0930 AM

032316 - 0272 -

MOTION-GRANTED

MARTIN LEROY K JR

ROOM 101 26TH & CALIFORNIA

I09000002

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____

CASE 06CR0081001 S (START OF FELONY CASE)

PAGE: 019 OF 019

DEFENDANT NAME: [REDACTED]

LST APPEAL:

032316 - 0103 -

I09000002

NOLLE PROSEQUI

CALL

MARTIN LEROY K JR

ROOM 101 26TH & CALIFORNIA

033016 - 0287 -

I09000003

PET-CERT INNOCENCE FILED

CLERK'S OFFICE 26TH & CALIFORNIA

033016 - 0388 -

I09000003

HEARING DATE ASSIGNED

040516

1700

CLERK'S OFFICE 26TH & CALIFORNIA

0930 AM

040516 - 0289 -

I09000004

PET-CERT INNOCENCE GRANTED

MARTIN LEROY K JR

ROOM 101 26TH & CALIFORNIA

END OF FILE

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 019 DESTINATION _____



CHICAGO POLICE DEPARTMENT
3510 South Michigan Avenue/Chicago, Illinois
60653
Identification Section



CRIMINAL HISTORY REPORT

CPD-31903C (REV. 7/04)

>>> **CONVICTED FELON** <<<

CPD photo

IR # 901905
SID # 28420360
FBI # 755126RA4
IDOC # B59639

Current Arrest Information:

Date of Birth: [REDACTED]-1972
Age: 33 years
Place of Birth: ILLINOIS
SSN #: [REDACTED]
Drivers License #: [REDACTED]
Drivers Lic. State: ILLINOIS

Scars, Marks & Tattoos:

SCAR, CHEST -
SCAR, CHEST -
SCAR, ARM, LEFT -

MALE
BLACK
5'09"
207 lbs
EYES : BRO
HAIR : BLK
HAIR STYLE :
BALD
COMPLEXION :
DBR



Key Historical Identifiers:

Alias or AKA used	Date Used	Dates of Birth Used	Social Security Numbers Used
[REDACTED]	23-MAR-2005	[REDACTED] 1972	[REDACTED]
[REDACTED]	01-APR-2001	[REDACTED] 1957	[REDACTED]
[REDACTED]	12-MAR-2001	[REDACTED] 1972	[REDACTED]
[REDACTED]	15-SEP-2000	[REDACTED] 1972	[REDACTED]
[REDACTED]	17-OCT-1993	[REDACTED] 1972	[REDACTED]
[REDACTED]	31-JUL-1993	[REDACTED] 1972	[REDACTED]
[REDACTED]	16-APR-1993	[REDACTED] 1972	[REDACTED]
[REDACTED]	19-JAN-1993	[REDACTED] 1972	[REDACTED]
[REDACTED]	31-OCT-1989	[REDACTED] 1972	[REDACTED]
[REDACTED]	26-AUG-1989	[REDACTED] 1972	[REDACTED]
[REDACTED]	Not Available	Not Available	Not Available
[REDACTED]	Not Available	Not Available	Not Available
[REDACTED]	Not Available	Not Available	Not Available
[REDACTED]	Not Available	Not Available	Not Available
[REDACTED]	Not Available	Not Available	Not Available
[REDACTED]	Not Available	Not Available	Not Available
[REDACTED]	Not Available	Not Available	Not Available

Criminal Justice Summary: Total arrests: 18 (12 Felony, 5 Misdemeanor)

Total convictions: 5

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 016389858
Officer: JONES

Arrest Date: 11-DEC-2005 Holding Facility: CPD - DISTRICT 002 MALE
Arrest Address: 511 E BROWNING AVE CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 19462 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED

LOG# 1087744C 58

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/402-A-1-A	POSSESS 15<100 GRAMS HERO	M	05115090601

Disposition: SUPERCEDED BY INDICTMENT
Disposition Date: 03-JAN-2006
Sentence:
Sentence Date:

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 016334333
Officer: SESKI

Arrest Date: 12-OCT-2005
Arrest Address: [REDACTED] CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 7520
Holding Facility: CPD - DISTRICT 002 MALE
Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			730 ILCS 110.0/11	Petition To Violate Probation	OFFENSE AS CITED
[1]	3	F	720 ILCS 5.0/24-1.1-A	Uuw - Weapon - Felon, Possess/Use Firearm	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/24-1.1-A	UUW - WEAPON - FELON, P	M	05114382901

Disposition: NOLLE PROSEQUI
Disposition Date: 28-OCT-2005
Sentence:
Sentence Date:

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 016227587
Officer: CAPIAK

Arrest Date: 29-JUN-2005
Arrest Address: 511 E BROWNING AVE CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 8766
Holding Facility: CPD - DISTRICT 002 MALE
Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			730 ILCS 110.0/11	Petition To Violate Probation	OFFENSE AS CITED

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 016126768
Officer: NICHOLS JR

Arrest Date: 23-MAR-2005
Arrest Address: 527 E BROWNING AVE CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 12415
Holding Facility: CPD - DISTRICT 002 MALE
Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	720 ILCS 570.0/402-A-1-A	Possess 15<100 Grams Heroin	OFFENSE AS CITED
[1]	1	F	720 ILCS 570.0/402-A-2-A	Possess 15<100 Grams Cocaine	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
PCS			05CR08982

Disposition: INDICTMENT/INFORMATION FILED & SET FOR ASSIGNMENT
Disposition Date: 27-APR-2005
Sentence:
Sentence Date:

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 015878582
Officer: YOUNG JR

Arrest Date: 11-JUL-2004
Arrest Address: 527 E BROWNING AVE CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 17931
Holding Facility: CPD - DISTRICT 002 MALE
Arresting Agency: CPD

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Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	PCS	Possess Controlled Substance	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
PCS	POSSESS CONTROLLED SUBSTANCE		04CR19000
Disposition: NOLLE PROSEQUI		Disposition Date: 07-DEC-2004	
Sentence:		Sentence Date:	

ARREST

Arrest Name:		Arrest Date:	04-FEB-2002	Holding Facility:	CPD - DISTRICT 002 MALE
Date of Birth:	-1972	Arrest Address:	527 E BROWNING AV CHICAGO, IL 60653		
DCN or CB:	015025695	Residence:	CHICAGO, IL 60653		
Officer:	LEE JR	Officer Badge#:	10353	Arresting Agency:	CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	X	F	720 ILCS 570.0/401-A-2-A	Pcs - Mfg/Del - 15+Grms - Cocaine	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/402(C)	POSS AMT CON SUB EXCEPT(A)/(D)	0	2002CR05992
Disposition: FINDING OF NOT GUILTY		Disposition Date: 14-APR-2003	
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS		Sentence Date:	

ARREST

Arrest Name:		Arrest Date:	09-MAY-2001	Holding Facility:	CPD - DISTRICT 002 MALE
Date of Birth:	-1972	Arrest Address:	527 E BROWNING AV CHICAGO, IL 60653		
DCN or CB:	014782588	Residence:	CHICAGO, IL 60653		
Officer:	SPAARGAREN	Officer Badge#:	5595	Arresting Agency:	CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	720 ILCS 5.0/26-1-A-1	Disorderly Conduct - Breach Of Peace	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/26-1-A-1	DISORDERLY CONDUCT - BREA	0	20011230420
Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		Disposition Date: 14-JUN-2001	
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS		Sentence Date:	

ARREST

Arrest Name:		Arrest Date:	01-APR-2001	Holding Facility:	CPD - DISTRICT 002 MALE
Date of Birth:	-1957	Arrest Address:	5125 S STATE ST CHICAGO, IL 60609		
DCN or CB:	014746798	Residence:	CHICAGO, IL 60628		
Officer:	DUNDERDALE	Officer Badge#:	12346	Arresting Agency:	CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	720 ILCS 570.0/402-C	Pcs - Possession - Less Than 15 Grms - Cocaine	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
PCS			011116850
Disposition: FINDING - NO PROBABLE CAUSE - DISMISSED		Disposition Date: 25-APR-2001	
Sentence:		Sentence Date:	

ARREST

C 60

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 014746787
Officer: PRSKALO

Arrest Date: 01-APR-2001 Holding Facility: CPD - DISTRICT 002 MALE
Arrest Address: 527 E BROWNING AV CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 10885 Arresting Agency: CPD

Count Class Type Statute
[1] L 10-8-515

Arrest Charge Description
Soliciting Unlawful Business

Inchoate

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
625/5/11-1006A		0	20011227889
Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		Disposition Date: 25-MAY-2001	
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS		Sentence Date:	

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 014728659
Officer: WIGGINS

Arrest Date: 12-MAR-2001 Holding Facility: CPD - DISTRICT 002 MALE
Arrest Address: 527 E BROWNING AV CHICAGO, IL 60653
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 3032 Arresting Agency: CPD

Count Class Type Statute
[1] B M 720 ILCS 550.0/4-B

Arrest Charge Description
Cannabis - Possess 2.5-10 Grms

Inchoate

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-550/4-B	CANNABIS - POSSESS 2.5-10	0	20011206419
Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		Disposition Date: 27-APR-2001	
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS		Sentence Date:	

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 014583999
Officer: KEYS

Arrest Date: 15-SEP-2000 Holding Facility: CPD - DISTRICT 002 MALE
Arrest Address: 3653 S FEDERAL ST CHICAGO, IL 60609
Residence: [REDACTED] CHICAGO, IL 60653
Officer Badge#: 18323 Arresting Agency: CPD

Count Class Type Statute
[1] A M 720 ILCS 5.0/21-5

Arrest Charge Description
Criminal Trespass To State Land

Inchoate

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5.0/21-5	CRIMINAL TRESPASS TO STAT	0	20001300808
Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		Disposition Date: 01-NOV-2000	
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS		Sentence Date:	

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 009521240
Officer:

Arrest Date: 29-OCT-1993 Holding Facility:
Arrest Address: 2901 S M L KING JR DR CHICAGO, IL
Residence: [REDACTED] DR CHICAGO, IL
Officer Badge#: Arresting Agency:

Count Class Type Statute
[1] X F AGG BATT/SHOT

Arrest Charge Description
Aggravated Battery Shot

Inchoate

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
38-8-4(38-9-1)	ATT (MURDER)	F	93CR2839701

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Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS
Sentence: DOC 006 YEARS 00 MONTHS 000 DAYS

Disposition Date: 16-SEP-1994
Sentence Date: 16-SEP-1994

CONVICTED

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 009511255
Officer: JUDGE

Arrest Date: 17-OCT-1993 Holding Facility:
Arrest Address: 236 W 109 PL CHICAGO, IL
Residence: [REDACTED] CHICAGO, IL
Officer Badge#: 12209 Arresting Agency: CPD

Count Class Type Statute
[2] 3 F 720 ILCS 5.0/24-1.1-A

Arrest Charge Description Inchoate
Uuw - Weapon - Felon, Possess/Use Firearm

COURT CHARGES/DISPOSITION

Statute Charge
38-24-1.1 UNLWFUL USE WPN BY FEL

Class Case#
F 93CR2708901

Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS
Sentence: DOC 002 YEARS 00 MONTHS 000 DAYS

Disposition Date: 16-SEP-1994
Sentence Date: 16-SEP-1994

CONVICTED

COURT CHARGES/DISPOSITION

Statute Charge
720 ILCS 5.0/24-1.1-A Uuw - WEAPON - FELON, POSSESS/USE FIREARM

Class Case#
M 93CR2708901

Disposition: PLEA/GUILTY - FINDING OF GUILTY
Sentence: ILLINOIS DEPT. CORRECTIONS 002 YEARS 000 MONTHS 000 DAYS

Disposition Date: 16-NOV-1993
Sentence Date: 16-SEP-1994

CONVICTED

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 009452267
Officer: CHENGARY

Arrest Date: 31-JUL-1993 Holding Facility:
Arrest Address: 7700 S UNION AV CHICAGO, IL
Residence:
Officer Badge#: 14580 Arresting Agency: CPD

Count Class Type Statute
[1] A M MOB ACTION

Arrest Charge Description Inchoate
Mob Action Fail To Disperse

COURT CHARGES/DISPOSITION

Statute Charge
72-5 25-1

Class Case#
Q 93134178401

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Disposition Date: 10-SEP-1993
Sentence Date:

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 009370465
Officer: GUNNELL

Arrest Date: 16-APR-1993 Holding Facility:
Arrest Address: 4414 S COTTAGE GR CHICAGO, IL
Residence: [REDACTED] CHICAGO, IL
Officer Badge#: 554 Arresting Agency: CPD

Count Class Type Statute
[1] C M 720 ILCS 5.0/25-1

Arrest Charge Description Inchoate
Mob Action

COURT CHARGES/DISPOSITION

Statute Charge
720 ILCS 5.0/25-1 MOB ACTION

Class Case#
M 93134178401

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Disposition Date: 17-MAY-1993
Sentence Date:

ARREST

C 62

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 009307279
Officer:

Arrest Date: 19-JAN-1993 Holding Facility:
Arrest Address: 4414 S COTTAGE GROVE CHICAGO, IL
Residence: [REDACTED] CHICAGO, IL
Officer Badge#: [REDACTED] Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			WARRANT CPD	Warrant Cpd	

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 008410297
Officer: CURETON

Arrest Date: 31-OCT-1989 Holding Facility:
Arrest Address: 500 E 38TH ST CHICAGO, IL
Residence: [REDACTED] CHICAGO, IL
Officer Badge#: 8148 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	PCS	Possession Of Other Controlled Substance	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
56.5-1402-B	POSS CONT SUB	F	89CR2484001
Disposition: PROBATION - TERMINATED - SATISFACTORY		Disposition Date: 28-DEC-1990	
Sentence: PROBATION 000 YEARS 013 MONTHS 000 DAYS		Sentence Date: 28-DEC-1990	

CONVICTED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
PCS			89CR24840
Disposition: PLEA/GUILTY - FINDING OF GUILTY		Disposition Date: 28-NOV-1989	
Sentence: PROBATION 000 YEARS 013 MONTHS 000 DAYS		Sentence Date: 28-NOV-1989	

CONVICTED

ARREST

Arrest Name: [REDACTED]
Date of Birth: [REDACTED]-1972
DCN or CB: 008359530
Officer: ROUSE

Arrest Date: 26-AUG-1989 Holding Facility:
Arrest Address: 4718 S INGLESIDE CHICAGO, IL
Residence: [REDACTED] CHICAGO, IL
Officer Badge#: 14094 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	PCS	Possession Of Other Controlled Substance	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
PCS			892924
Disposition: BAIL BOND FORFEITURE		Disposition Date: 13-OCT-1989	
Sentence:		Sentence Date:	

End of Report

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 Inquiry via your LEADS terminal.

15-JUN-2006 11:05

Requested by: [REDACTED]

C 63



CHICAGO POLICE DEPARTMENT
3510 South Michigan Avenue/Chicago, Illinois
60653
Identification Section

**CRIMINAL HISTORY REPORT**

CPD-31903C (REV. 7/04)

IUU COMPLETE**>>> CONVICTED FELON <<<****IR # 901905****SID # 28420360****FBI # 755126RA4****IDOC # B59639**

Current Arrest Information:

Date of Birth: [REDACTED]-1972Age: 33 yearsPlace of Birth: ILLINOISSSN #:Drivers License #:Drivers Lic. State:Scars, Marks & Tattoos:

SCAR, CHEST -

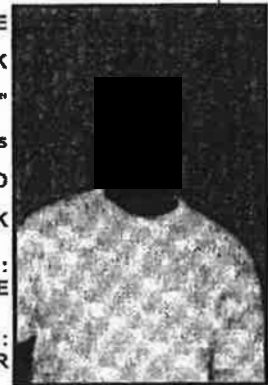
SCAR, CHEST -

SCAR, ARM, LEFT -

Key Historical Identifiers:

MALE
BLACK
5'09"
207 lbs
EYES : BRO
HAIR : BLK
HAIR STYLE :
SHAVE
COMPLEXION :
MBR

CPD photo



Alias or AKA used	Date Used	Dates of Birth Used	Social Security Numbers Used
[REDACTED]	23-MAR-2005	[REDACTED] 1972	[REDACTED]
	01-APR-2001	[REDACTED] 1957	
	12-MAR-2001	[REDACTED] 1972	
	15-SEP-2000	[REDACTED] 1972	
	17-OCT-1993	[REDACTED] 1972	Not Available
	31-JUL-1993	[REDACTED] 1972	Not Available
	16-APR-1993	[REDACTED] 1972	Not Available
	19-JAN-1993	[REDACTED] 1972	Not Available
	31-OCT-1989	[REDACTED] 1972	Not Available
	26-AUG-1989	[REDACTED] 1972	Not Available
	Not Available	Not Available	Not Available
	Not Available	Not Available	Not Available
	Not Available	Not Available	Not Available
	Not Available	Not Available	Not Available
	Not Available	Not Available	Not Available
	Not Available	Not Available	Not Available

Criminal Justice Summary: Total arrests: 16 (8 Felony, 5 Misdemeanor)

Total convictions: 3

Non CPD arrests reported by Illinois BOI as of June 07, 2004

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ARREST

Arrest Name: [REDACTED] Arrest Date: 29-JUN-2005 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 511 E BROWNING AVE CHICAGO, IL 60653
DCN or CB: 016227587 Residence: [REDACTED] CHICAGO, IL 60653
Officer: CAPIAK Officer Badge#: 8766 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			730 ILCS 110.0/11	Petition To Violate Probation	OFFENSE AS CITED

ARREST

Arrest Name: [REDACTED] Arrest Date: 23-MAR-2005 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 527 E BROWNING AVE CHICAGO, IL 60653
DCN or CB: 016126768 Residence: [REDACTED] CHICAGO, IL 60653
Officer: NICHOLS JR Officer Badge#: 12415 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	720 ILCS 570.0/402-A-1-A	Possess 15<100 Grams Heroin	OFFENSE AS CITED
[1]	1	F	720 ILCS 570.0/402-A-2-A	Possess 15<100 Grams Cocaine	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
1	PCS			05CR08982

Disposition: INDICTMENT/INFORMATION FILED & SET FOR ASSIGNMENT
(CRIMINAL DIVISION) Disposition Date: 27-APR-2005
Sentence: Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 11-JUL-2004 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 527 E BROWNING AVE CHICAGO, IL 60653
DCN or CB: 015878582 Residence: [REDACTED] CHICAGO, IL 60653
Officer: YOUNG JR Officer Badge#: 17931 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	720 ILCS 570.0/402-A-1-B	Possess 100<400 Grams Heroin	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
1	PCS			04CR19000

Disposition: NOLLE PROSEQUI Disposition Date: 07-DEC-2004
Sentence: Sentence Date:

ARREST

C 26

Arrest Name: [REDACTED] Arrest Date: 04-FEB-2002 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 527 E BROWNING AV CHICAGO, IL 60653
DCN or CB: 015025695 Residence: [REDACTED] CHICAGO, IL 60653
Officer: LEE JR Officer Badge#: 10353 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	X	F	720 ILCS 570.0/401-A-2-A	Pcs - Mfg/Del - 15+Grms - Cocaine	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	720-570/402(C)	POSS AMT CON SUB EXCEPT(A)/(D)	0	2002CR05992

Disposition: FINDING OF NOT GUILTY Disposition Date: 14-APR-2003
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 09-MAY-2001 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 527 E BROWNING AV CHICAGO, IL 60653
DCN or CB: 014782588 Residence: [REDACTED] CHICAGO, IL 60653
Officer: SPAARGAREN Officer Badge#: 5595 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	720 ILCS 5.0/26-1-A-1	Disorderly Conduct - Breach Of Peace	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	720-5/26-1-A-1	DISORDERLY CONDUCT - BREA	0	20011230420

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE Disposition Date: 14-JUN-2001
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 01-APR-2001 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1957 Arrest Address: 5125 S STATE ST CHICAGO, IL 60609
DCN or CB: 014746798 Residence: [REDACTED] CHICAGO, IL 60628
Officer: DUNDERDALE Officer Badge#: 12346 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	720 ILCS 570.0/402-C	Pcs - Possession - Less Than 15 Grms - Cocaine	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
1	PCS			011116850

Disposition: FINDING - NO PROBABLE CAUSE - DISMISSED Disposition Date: 25-APR-2001

Sentence:

Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 01-APR-2001 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 527 E BROWNING AV CHICAGO, IL 60653
DCN or CB: 014746787 Residence: [REDACTED] CHICAGO, IL 60653
Officer: PRSKALO Officer Badge#: 10885 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		10-8-515	Soliciting Unlawful Business	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	625/5/11-1006A		0	20011227889

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 25-MAY-2001

Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 12-MAR-2001 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 527 E BROWNING AV CHICAGO, IL 60653
DCN or CB: 014728659 Residence: [REDACTED] CHICAGO, IL 60653
Officer: WIGGINS Officer Badge#: 3032 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	B	M	720 ILCS 550.0/4-B	Cannabis - Possess 2.5-10 Grms	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	720-550/4-B	CANNABIS - POSSESS 2.5-10	0	20011206419

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 27-APR-2001

Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 15-SEP-2000 Holding Facility: CPD - DISTRICT 002 MALE
Date of Birth: [REDACTED]-1972 Arrest Address: 3653 S FEDERAL ST CHICAGO, IL 60609
DCN or CB: 014583999 Residence: [REDACTED] CHICAGO, IL 60653
Officer: KEYS Officer Badge#: 18323 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	720 ILCS 5.0/21-5	Criminal Trespass To State Land	

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COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	720-5.0/21-5	CRIMINAL TRESPASS TO STAT	0	20001300808

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE Disposition Date: 01-NOV-2000
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 29-OCT-1993 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: 2901 S M L KING JR DR CHICAGO, IL
DCN or CB: 009521240 Residence:
Officer: Officer Badge#: Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	X	F	AGG BATT/SHOT	Aggravated Battery Shot	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	38-8-4(38-9-1)	ATT (MURDER)	F	93CR2839701

Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS Disposition Date: 16-SEP-1994 **CONVICTED**
Sentence: DOC 006 YEARS 00 MONTHS 000 DAYS Sentence Date: 16-SEP-1994

ARREST

Arrest Name: [REDACTED] Arrest Date: 17-OCT-1993 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: [REDACTED] CHICAGO, IL
DCN or CB: 009511255 Residence:
Officer: JUDGE Officer Badge#: 12209 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		POSS FIREARM/VEHICLE	Possession Of Firearm In Vehicle	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	38 12-3A	-	M	93119060201

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE Disposition Date: 16-NOV-1993
Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS Sentence Date:

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	38-24-1.1	UNLWFUL USE WPN BY FEL	F	93CR2708901

Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS Disposition Date: 16-SEP-1994 **CONVICTED**

Sentence: DOC 002 YEARS 00 MONTHS 000 DAYS

Sentence Date: 16-SEP-1994

ARREST

Arrest Name: [REDACTED] Arrest Date: 31-JUL-1993 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: 7700 S UNION AV CHICAGO, IL
DCN or CB: 009452267 Residence:
Officer: CHENGARY Officer Badge#: 14580 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	MOB ACTION	Mob Action Fail To Disperse	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	72-5 25-1	-	Q	93134178401

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 10-SEP-1993

Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 16-APR-1993 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: [REDACTED] CHICAGO, IL
DCN or CB: 009370465 Residence:
Officer: GUNNELL Officer Badge#: 554 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	CTTL	Criminal Trespass To Land	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	38 21-5A	-	M	93126017501

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 17-MAY-1993

Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date:

ARREST

Arrest Name: [REDACTED] Arrest Date: 19-JAN-1993 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: [REDACTED] CHICAGO, IL
DCN or CB: 009307279 Residence:
Officer: Officer Badge#: Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			WARRANT CPD	Warrant Cpd	

C 30

ARREST

Arrest Name: [REDACTED] B Arrest Date: 31-OCT-1989 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: 500 E 38TH ST CHICAGO, IL
DCN or CB: 008410297 Residence:
Officer: CURETON Officer Badge#: 8148 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	PCS	Possession Of Other Controlled Substance	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
001	56.5-1402-B	POSS CONT SUB	F	89CR2484001

Disposition: PROBATION - TERMINATED - SATISFACTORY

Disposition Date: 28-DEC-1990

Sentence: NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date:

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
2	PCS			89CR24840

Disposition: PLEA/GUILTY - FINDING OF GUILTY

Disposition Date: 28-NOV-1989

CONVICTED

Sentence: PROBATION 13 MONTHS

Sentence Date: 28-NOV-1989

ARREST

Arrest Name: [REDACTED] Arrest Date: 26-AUG-1989 Holding Facility:
Date of Birth: [REDACTED]-1972 Arrest Address: 4718 S INGLESIDE CHICAGO, IL
DCN or CB: 008359530 Residence:
Officer: ROUSE Officer Badge#: 14094 Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	PCS	Possession Of Other Controlled Substance	

COURT CHARGES/DISPOSITION

Seq.	Statute	Charge	Class	Case#
1	PCS			892924

Disposition: BAIL BOND FORFEITURE

Disposition Date: 13-OCT-1989

Sentence:

Sentence Date:

End of Report

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

C 31

30-JUN-2005 02:38

Requested by: [REDACTED]



CHICAGO POLICE DEPARTMENT

3510 South Michigan Avenue/Chicago, Illinois
60653

Identification Section



CRIMINAL HISTORY REPORT

CPD-IR (REV. 2/97)

IUU COMPLETE

23.5g her
\$4,280

IR # 1757074

SID #

FBI #

IDOC #

Current Arrest Information:

Date of Birth: [REDACTED] 1971

Age: 34 years

Place of Birth: ILLINOIS

SSN #: [REDACTED]

Driver's License #: [REDACTED]

Driver's Lic. State: ILLINOIS

Scars, Marks & Tattoos:

Key Historical Identifiers:

Alias or AKA Used	Date Used	Dates of Birth Used	Social Security Numbers Used
GLENN, [REDACTED]	11-DEC-2005	[REDACTED] 1971	[REDACTED]

Criminal Justice Summary: Total arrests: 1 (1 Felony, 0 Misdemeanor)

Total convictions: 0

ARREST

Arrest Name: [REDACTED]

Arrest Date: 11-DEC-2005 Holding Facility: CPD - DISTRICT 002 FEMALE

Date of Birth: [REDACTED] 1971

Arrest Address: 511 E. BROWNING AVE. CHICAGO, IL 60653

DCN or CB: 016389870

Officer: JONES

Residence: [REDACTED] CHICAGO, IL 60653

Officer Badge#: 19462 Arresting Agency: CPD

Court Class Type Statute

Arrest Charge Description

Inchoate

[1] X F 720 ILCS 570.0/401-A-1-A Pcs - Mfg/Del- 15 + Grms - Heroin

OFFENSE AS CITED

End of Report

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

12-DEC-2005 04:02

Requested by: [REDACTED]

CHICAGO POLICE ARREST REPORT 1/4
1. NAME (LAST, FIRST, MIDDLE) [REDACTED]
2. SEX M 3. RACE 01 4. AGE 32 5. DATE OF BIRTH DAY MONTH YEAR
6. C.R. NO. 15878582 7. ALIAS OR NICKNAME [REDACTED]
8. DIST./RES 002 9. HEIGHT 508 10. WEIGHT 200 11. HAIR BLK 12. HAIR STYLE SHORT 13. EYES BRN 14. COMPLEXION MED.
15. I.D. NO. 901905 16. RESIDENCE ADDRESS APT. NO./FLOOR [REDACTED] 17. DISTING. MARKS, SCARS, DISABILITIES ETC N.V.
18. CITY-STATE ZIP CODE FROM TELEPHONE CITY-STATE ZIP CODE BUSINESS TELEPHONE
CHGO. IL. 60653 IL. [REDACTED]
19. NO. HK-437551 20. OCCUPATION D 21. BUSINESS NAME-ADDRESS N CITY-STATE ZIP CODE BUSINESS TELEPHONE A
22. ADDRESS OF ARREST 527 E. BROWNING
23. NO. ARRESTED 1 24. LOCATION CODE FOR NATURE OF PREMISE 22 25. DATE OF ARREST DAY MONTH YEAR 11 JUL 04 26. TIME 125
27. PROPERTY (INVENTORY NO.) 10359374 28. SUSPECT CANNABIS 175gms. \$31,500.00
29. VEHICLE YEAR MAKE MODEL BODY STYLE COLOR STATE LICENSE NO. OR V.N. N DISPOSITION OF VEHICLE A
30. PERSON IN INVESTIGATIVE UNIT NOTIFIED UNIT NOTIFIED TIME 31. VICTIM NAME STATE OF IL./P.O. YOUNG#17931 32. RACE AGE HOME ADDRESS UNIT 715 33. CITY-STATE ZIP CODE TELEPHONE NO. CHGO. IL. 312 674-3988
34. VICTIM INJURED IF YES - DESCRIBE INJURIES 35. VICTIM HOSPITALIZED 36. HOSPITAL NAME
37. NARRATIVE (The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following):
INCIDENT#04-B-521
THIS IS AN ARREST BY PUBLIC HOUSING SOUTH TACTICAL TEAM 4512A, B.C & D.
THE ABOVE SUBJECT IS IN CUSTODY FOR THE ABOVE OFFENSE IN THAT THE ABOVE WAS POSITIVELY IDENTIFIED AND WAS LISTED AS THE OFFENDER FOR POSSESSION OF A CONTROLLED SUBSTANCE UNDER RD# HK-437551. ON 17 JUN.04 AT 1730hrs. THE ABOVE OFFENDER WAS OBSERVED STUFFING INTO A MAILBOX A LARGE PLASTIC BAG THAT CONTAINED A TOTAL OF (316) SMALL ZIP-LOCK PLASTIC BAGS THAT CONTAINED A WHITE POWDERY SUBSTANCE SUSPECTED HEROIN AND THEN FLEE. ON TODAY'S DATE 11 JUL 04 A/O'S RECEIVED INFORMATION THAT THE SAME SUBJECT KNOWN TO A/O'S AS [REDACTED], [REDACTED] M/01/32 WAS SELLING DRUGS AT THE ABOVE LOCATION OF ARREST. UPON ENTERING THE BUILDING A/O'S OBSERVED THE OFFENDER STANDING AT THE TOP OF THE STAIRS ON THE SECOND FLOOR AND AS A/O'S APPROACHED THE OFFENDER PROCEEDED TO RUN WITH A/O'S IN PERSUIT. THE OFFENDER TRIED TO GAIN ENTRY BUT COULD NOT DO SO. THE OFFENDER WAS APPREHENDED AND WAS PLACED INTO CUSTODY AFTER BEING ADVISED OF HIS LEGAL RIGHTS AND TRANSPORTED TO UNIT 715 FOR PROCESSING FOR THE ABOVE LISTED OFFENSE.

40. REFERENCES (CH - PAR) 41. OFFENSES 42. DISPOSITIONS 43. REFERENCES (CH - PAR) 44. OFFENSES 45. DISPOSITIONS
720ILCS570/402 P.C.S. 5 6 7 8
46. VEHICLE ASSIGNED 47. VEHICLE RELEASED WITHOUT CHARGING?
48. RESULTS OF FINGERPRINT CHECK WAIVED BY SIG - STAR DATE TIME 49. APPLICANT'S SIGNATURE DATE TIME
50. PLACED IN CELL NO. 3/4
51. INITIAL COURT DATE 52. FINAL COURT DATE
11 AUG. 04 38-4 12 JULY 04 1245 1255 1258 1330 3/4
53. COURT DOCKET NO. 54. FINAL JUDGE'S NAME
55. COURT DOCKET NO. 56. FINAL JUDGE'S NAME
57. COURT DOCKET NO. 58. FINAL JUDGE'S NAME
59. COURT DOCKET NO. 60. FINAL JUDGE'S NAME
61. COURT DOCKET NO. 62. FINAL JUDGE'S NAME
63. COURT DOCKET NO. 64. FINAL JUDGE'S NAME
65. COURT DOCKET NO. 66. FINAL JUDGE'S NAME
67. COURT DOCKET NO. 68. FINAL JUDGE'S NAME
69. COURT DOCKET NO. 70. FINAL JUDGE'S NAME
71. COURT DOCKET NO. 72. FINAL JUDGE'S NAME
73. COURT DOCKET NO. 74. FINAL JUDGE'S NAME
75. COURT DOCKET NO. 76. FINAL JUDGE'S NAME
77. COURT DOCKET NO. 78. FINAL JUDGE'S NAME
79. COURT DOCKET NO. 80. FINAL JUDGE'S NAME
81. COURT DOCKET NO. 82. FINAL JUDGE'S NAME
83. COURT DOCKET NO. 84. FINAL JUDGE'S NAME
85. COURT DOCKET NO. 86. FINAL JUDGE'S NAME
87. COURT DOCKET NO. 88. FINAL JUDGE'S NAME
89. COURT DOCKET NO. 90. FINAL JUDGE'S NAME
91. COURT DOCKET NO. 92. FINAL JUDGE'S NAME
93. COURT DOCKET NO. 94. FINAL JUDGE'S NAME
95. COURT DOCKET NO. 96. FINAL JUDGE'S NAME
97. COURT DOCKET NO. 98. FINAL JUDGE'S NAME
99. COURT DOCKET NO. 100. FINAL JUDGE'S NAME

MOVING OF ARRESTEE OUT OF & INTO ARREST/DETENTION FACILITY

	DATE	TIME	TURNED OVER TO/ RECEIVED FROM	STAR/ EMPL. NO.	REASON	LOCKUP KEEPER/ OTHER DEPT. MEMBER	STAR/ EMPL. NO.
OUT							
IN							
OUT							
IN							

RECORD OF INTERVIEWS IN LOCKUP

DATE	TIME	INTERVIEWER	STAR NO.	REASON	LOCKUP KEEPER/ OTHER DEPT. MEMBER	STAR/ EMPL. NO.

RECORD OF VISITORS TO ARRESTEE

DATE	TIME IN	TIME OUT	VISITOR'S NAME - ADDRESS - TELEPHONE	RELATIONSHIP	W. C.'S APPROVAL (SIGNATURE)

RECEIVING SCREENING RECORD FOR ARRESTEE TO BE HELD IN LOCKUP

REFER TO GUIDELINES FOR ARRESTEE SCREENING, CPD-11.523.
NOTE: ALL "YES" ANSWERS REQUIRE ACTION

DATE 11 July 04 TIME 1248

C.B. NO. 1587

LOCKUP KEEPER'S NAME (PRINT) Adridge

STAR NO. 006042

LOCKUP KEEPER'S VISUAL CHECK

DOES ARRESTEE HAVE OBVIOUS PAIN OR INJURY?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
IS THERE OBVIOUS SIGN OF INFECTION?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
APPEARS TO BE UNDER THE INFLUENCE OF ALCOHOL/DRUGS	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
ARE THERE VISIBLE SIGNS OF ALCOHOL AND/OR DRUG WITHDRAWAL?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
DOES ARRESTEE APPEAR TO BE DESPONDENT?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
DOES ARRESTEE APPEAR TO BE IRRATIONAL?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
IS ARRESTEE CARRYING MEDICATION?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

LOCKUP KEEPER'S-ARRESTEE QUESTIONNAIRE

8. ARE YOU PRESENTLY TAKING ANY MEDICATION? (For what ...)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>
9. (IF FEMALE) ARE YOU PREGNANT?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>
10. IS THIS THE FIRST TIME YOU HAVE EVER BEEN ARRESTED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>
11. HAVE YOU EVER TRIED TO KILL YOURSELF OR DONE SERIOUS HARM TO YOURSELF?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>
12.A. DO YOU HAVE ANY SERIOUS MEDICAL OR MENTAL PROBLEMS? (IF YES, specify problem under REMARKS)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>
12.B. ARE YOU RECEIVING ANY TREATMENT? (If YES, specify under REMARKS)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>

PERSON TO BE NOTIFIED IN CASE OF EMERGENCY - NAME

ADDRESS

TELEPHONE

RELATIONSHIP

REMARKS

Fiance

SPECIAL DISPOSITION COMPLETE ONLY FOR ARRESTEES REFERRED OUT OR TO BE MONITORED

REFERRED TO (Specify)	PLACED IN ONE-PERSON CELL NO. (for communicable disease cases)	PLACED IN TWO OR MORE PERSON CELL NO. UNDER SPECIAL/CLOSE OBSERVATION (potential suicides)
-----------------------	---	--

NOTE: LOCKUP KEEPER MUST SIGN IN ALL INSTANCES

LOCKUP KEEPER'S SIGNATURE

RELEASE OF ARRESTEE FROM CUSTODY

THE FOLLOWING REASON(S), IF ANY, DETERMINED THERE IS NOT SUFFICIENT CAUSE TO FURTHER DETAIN/CHARGE THE ARRESTEE:

SIGNATURE ARR. OFF./DETECTIVE STAR NO. UNIT APPROVED - W/ C - DETENTION FAC. - STAR NO. DATE-TIME RELEASED FROM CUSTODY

REPORT CHICAGO POLICE	<input type="checkbox"/> 1 GAMBLING <input checked="" type="checkbox"/> 2 NARCOTICS <input type="checkbox"/> 3 LIQUOR LAW VIOLATION <input type="checkbox"/> 4 PROSTITUTION <input type="checkbox"/> 5 OBSCENITY <input type="checkbox"/> 6 PUBLIC INDECENCY (LIC. PREMISE)	POSSESSION OF A CONTROLLED SUBSTANCE 2 0 2 4	HK --437551																
ADDRESS OF OCCURRENCE (NO. - DIR. - STREET - APT. NO.) 527 E. BROWNING		5. DATE OF OCCURRENCE - TIME 17 JUN. 04 1730	6. DATE R.O. ARRIVED - TIME 17 JUN. 04 1730	7. BEAT/ UNIT ASSIGNED 4512B	8. BEAT OCCURRED 212														
TYPE OF LOCATION/PREMISE WHERE OFFENSE OCCURRED <input type="checkbox"/> 166 POOL ROOM <input type="checkbox"/> 167 BARBER SHOP <input type="checkbox"/> 165 NEWSSTAND <input type="checkbox"/> 121 CHA APARTMENT <input type="checkbox"/> 123 CHA PARKING LOT/GROUNDS <input type="checkbox"/> 269 PARK PROPERTY		<input type="checkbox"/> 193 DRUG STORE <input type="checkbox"/> 260 HOTEL/MOTEL <input type="checkbox"/> 290 RESIDENCE <input checked="" type="checkbox"/> OTHER - SPECIFY & ENTER CODE CHA HALLWAY		LOCATION CODE 1 2 2															
LICENSEE'S NAME (CORP. IF APPLICABLE)		11. BUSINESS LICENSE NO(S) N		A															
12. TIME OF COMPLAINT'S NAME (LAST - FIRST - M.I.) P.O. YOUNG #17931		13. HOME ADDRESS (NO. - DIR. - STREET - APT. NO.) UNIT 715		14. SEX - RACE - AGE CODE M 101 32		15. HOME PHONE 674-3988		16. BUSINESS PHONE 674-3988		17. TIME AVAIL. 674-3988		RACE CODES 1 - BLACK 2 - WHITE 3 - BLACK-HISPANIC 4 - WHITE-HISPANIC 5 - AMER.IND./ALASK. NAT. 6 - ASIAN/PACIFIC ISLANDER							
18. SON <input type="checkbox"/> 1 DISCOVERED <input type="checkbox"/> 2 WITNESSED <input type="checkbox"/> 3 REPORTED OFFENSE P.O. JONES #19462, RIDGELL#6997		UNIT 715																	
SUMMERS#19687, EDWARDS#16280		UNIT 715																	
19. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED]		20. OFFENDER IN CUSTODY <input type="checkbox"/> 1 YES <input checked="" type="checkbox"/> 2 NO		21. NICKNAME/A.K.A. [REDACTED]		22. HOME ADDRESS [REDACTED]		23. SEX - RACE - AGE CODE M 101 32		HEIGHT 508		WEIGHT 200		EYES BRN.		HAIR BLK.		COMPL. MED.	
DATE OF BIRTH [REDACTED] 72		25. I.R./C.B. NO. [REDACTED]		26. CHARGES 720ILCS570/402		27. COURT BRANCH - CALL [REDACTED]		28. COURT DATE [REDACTED]		29. INVENTORY NO. 10359374		30. WEIGHT 175grms.		31. E.S.V. \$31,500.00					
OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED]		OFFENDER IN CUSTODY? <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		NICKNAME/A.K.A. [REDACTED]		HOME ADDRESS [REDACTED]		SEX - RACE - AGE CODE [REDACTED]		HEIGHT [REDACTED]		WEIGHT [REDACTED]		EYES [REDACTED]		HAIR [REDACTED]		COMPL. [REDACTED]	
DATE OF BIRTH [REDACTED]		I.R./C.B. NO. [REDACTED]		CHARGES [REDACTED]		COURT BRANCH - CALL [REDACTED]		COURT DATE [REDACTED]		INVENTORY NO. [REDACTED]		WEIGHT [REDACTED]		E.S.V. [REDACTED]					
OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED]		OFFENDER IN CUSTODY? <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		NICKNAME/A.K.A. [REDACTED]		HOME ADDRESS [REDACTED]		SEX - RACE - AGE CODE [REDACTED]		HEIGHT [REDACTED]		WEIGHT [REDACTED]		EYES [REDACTED]		HAIR [REDACTED]		COMPL. [REDACTED]	
DATE OF BIRTH [REDACTED]		I.R./C.B. NO. [REDACTED]		CHARGES [REDACTED]		COURT BRANCH - CALL [REDACTED]		COURT DATE [REDACTED]		INVENTORY NO. [REDACTED]		WEIGHT [REDACTED]		E.S.V. [REDACTED]					
32. NO. OF OFFENDERS 1		33. NO. OF ARRESTEES 0		34. TYPE OF ARREST <input type="checkbox"/> ON VIEW <input type="checkbox"/> WARRANT		35. ADDRESS OF ARREST [REDACTED]													
36. VEHICLE USED BY OFFENDER(S) 95 CHEV		YEAR MAKE 4DR.		BODY STYLE BLUE		COLOR V.I.N. [REDACTED]		STATE LICENSE NO. [REDACTED]		STATE IL.		EXPIR. MO./YEAR [REDACTED]							
37. OTHER VEHICLE IDENTIFIERS [REDACTED]								38. VEHICLE CONFISCATED <input type="checkbox"/> 1 YES <input checked="" type="checkbox"/> 2 NO		POUND [REDACTED]		39. MOTOR VEHICLE INVENTORY NO. [REDACTED]							
40. NARRATIVE (Do not duplicate or repeat information - for explanation or additional information only) ALSO ASSITING P.O.'S MOHAMMED#14122 EVENT#15672 INCIDENT#04-B-521 IN SUMMARY: R/O's RECEIVED INFORMATION FROM A CONCERNED CITIZEN THAT DID NOT WANT TO BE IDENTIFIED THAT A M/O1 KNOWN AS "[REDACTED]" WAS BRINGING THE DAYS WORTH OF SUSPECTED NARCOTICS TO BE SOLD AT THE ABOVE LOCATION OF OCCURRENCE. ARMED WITH THAT INFORMATION R/O's ALONG WITH ASSISTING 4512 TACTICAL UNITS RELOCATED TO 527 E. BROWNING. UPON ENTERING THE LOBBY, R/O'S OBSERVED THE M/O1 KNOWN AS "[REDACTED]" STANDING AT THE MAIL BOXES.																			
41. FLASH MESSAGE SENT? <input type="checkbox"/> 1 YES <input checked="" type="checkbox"/> 2 NO		42. GANG RELATED - AFFILIATION <input type="checkbox"/> VICTIM <input type="checkbox"/> OFFENDER		43. EXTRA COPIES REQUIRED (NO. & REQUIRMENT) <input type="checkbox"/> NORMAL (3) <input checked="" type="checkbox"/> CONTINUE OTHER SIDE		44. NOTIFICATIONS, IF APPROPRIATE, MADE BY UNIT NOTIFIED PERSON NOTIFIED		DATE (DAY - MO. - YEAR) - TIME											
45. REPORTING OFFICER'S NAME (PRINT) YOUNG, K.		STAR NO. #17931		46. REPORTING OFFICER'S NAME (PRINT) JONES, A.		STAR NO. #19462		47. DATE INVEST. COMPLETED - TIME 17 JUN. 04 1820		48. SUPERVISOR APPROVING (PRINT NAME)		STAR NO.							
[REDACTED]								49. DATE SUPV. APPROVAL - TIME		50. APPROVAL SIGNATURE									

Identify and describe all property or possible evidence recovered at the end of the narrative in column form. Show exactly where found, who found it and its description (enter Property Inventory numbers in box 29).

LOG# 1087744

Attachment 23

010077

otherwise indicated. All statements of victims, witnesses and offenders are summarizations unless

HK - 437551

CONTINUATION OF NARRATIVE

R/O's HAVE PRIOR KNOWLEDGE OF THE SUBJECT KNOW AS ' [REDACTED] ' DUE TO THE FACT THAT R/O'S HAVE COME INTO CONTACT WITH THE SUBJECT AND DUE TO HIS ARREST AT THE LOCATION OF OCCURRENCE. UPON THE SUBJECT SEEING R/O'S ENTER THE LOBBY THE SUBJECT SLAMMED THE MAILBOX DOOR SHUT AFTER STUFFING A LARGE PLASTIC BAG INTO THE MAILBOX AND PROCEED TO RUN OUT OF THE BUILDING NORTHBOUND TOWARDS BROWNING AVE. AND ENTER A BLUE 4DR. CHEVY BEARING THE IL. LIC. #6034385 and that VEHICLE PROCEEDED TO DRIVE WESTBOUND THEN SOUTHBOUND ON RHODES TO WHEREABOUTS UNKNOWN. R/O'S REACHED INTO THE EMPTY MAILBOX THAT WAS NEXT TO THE MAILBOX THAT THE OFFENDER STUFFED THE PLASTIC BAG INTO AND COULD FEEL A LARGE PLASTIC BAG IN THE MAILBOX THAT THE OFFENDER HAD CLOSED. R/O'S RETRIEVED THE LARGE BAG FROM THE MAILBOX AND THAT PLASTIC ZIP-LOCK STORAGE BAG CONTAINED (6) PLASTIC BAGS THAT CONTAINED (50) SMALL ZIP-LOCK PLASTIC BAGS THAT CONTAINED A WHITE POWDERY SUBSTANCE SUSPECT HEROIN AND ONE PLASTIC BAG THAT CONTAINED (16) SMALL ZIP-LOCK PLASTIC BAGS THAT ALSO CONTAINED A WHITE POWDERY SUBSTANCE SUSPECT HEROIN THAT HAS A GRAND TOTAL OF 316 TOTAL BAGS. THE RECOVERD ITEMS WERE TAKEN INTO UNIT 715 FOR INVENTORY. R/O'S WILL SEEK AN ARREST WARRANT FOR THE ABOVE OFFENDER. THIS INCIDENT TOOK PLACE ON C.H.A. PROPERTY AND WITHIN A THOUSAND FEET OF DOOLITTLE GRAMMER SCHOOL.

I HAVE READ THIS REPORT
AND BY MY SIGNATURE INDICATE
THAT IT IS ACCEPTABLE

SUPERVISOR'S SIGNATURE

DATE (DAY-MO-YR.)

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

<input type="checkbox"/> 0 PROGRESS		<input type="checkbox"/> 1 SUSPENDED	<input type="checkbox"/> 2 UNFOUNDED	IF CASE IS CLEARED, HOW CLEARED (USE THIS BOX FOR SINGLE CLEARUP OR FIRST CLEARUP OF MULTIPLE CLEARUP LIST)				<input type="checkbox"/> 5 OTHER EXCEPTIONAL	<input type="checkbox"/> ADULT
<input type="checkbox"/> 3 EXC. CLRD. OPEN	<input type="checkbox"/> 4 CLRD. OPEN	<input type="checkbox"/> 5 EXC. CLRD. CLOSED	<input type="checkbox"/> 6 EXC. CLRD. CLOSED	<input type="checkbox"/> 1 ARREST & PROSECUTION	<input type="checkbox"/> 2 DIRECTED TO FAMILY COURT	<input type="checkbox"/> 3 COMPL. REFUSED TO PROSECUTE	<input type="checkbox"/> 4 COMMUNITY ADJUSTMENT		<input type="checkbox"/> JUV.
OFFENSE CODE <input type="checkbox"/> 1 CORRECT <input type="checkbox"/> 2 USED	REV. CODE	REMARKS (PERTINENT INFORMATION NOT ON ORIGINAL REPORT)							

PREPARED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

APPROVED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

010076

CHICAGO POLICE DEPARTMENT

ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

CPD-11.388(6/03)-C

RD #: HK437551

Case ID: 3402353 cast201

EVENT #: 0416915672

This Document is not an official copy. It is a computerized version of data entered from an original case report. A copy of the original case report can be obtained from the Records Division

INCIDENT	ASSIGNED TO ADMINISTRATIVE PERSONNEL		
	IUCR: 2024 - Narcotics - Poss: Heroin(White)		
	Occurrence Location: 527 E Browning Ave Chicago IL 60653 122 - Cha Hallway/Stairwell/Elevator Occurrence Date: 17 June 2004 17:30 - 17 June 2004 17:30	Beat: 0212	Unit Assigned: 4512B RO Arrival Date: 17 June 2004 17:30 # Offenders: 1
	Incident#: 04-B-521		

NON-OFFENDER(S)	VICTIM		
	Name: DISTRICT 002		
	Res: 527 E Browning Ave Chicago IL 60653	Beat: 0212	
	CPD Officer: No		
	PERSON REPORTING OFFENSE		
	Name: DISTRICT 002		
	Res: 527 E Browning Ave Chicago IL 60653	Beat: 0212	
	CPD Officer: No		

SUSPECT(S)	Suspect # 1		In Custody
	Name: [REDACTED]		Demographics
	Res: [REDACTED] Chicago ILLINOIS 60653	Beat: 0212	Male Black 5'08, 200 lbs , Brown Eyes Black Hair Medium Complexion
			DOB: [REDACTED] 1972 Age: 32 years

VEHICLE	Vehicle #1					
	Vehicle: 1995 Chevrolet - Unknown - Automobile					Owner: [REDACTED]
	Color-Top/Bottom: Blue/Blue	Style: Hardtop, 4-Door				
	Stolen? No	Damaged? No	Destroyed? No	Burned? No	Theft From? No	Recovered? No
	License Plate #: [REDACTED] - Illinois - Passenger Car					
	Towed? Yes					

RD #: HK437551



LOG# 1087744

Attachment 24

Chicago Police Department - Incident Report

RD #: HK437551

NARCOTICS	Narcotics #1		Possessor/User:	
	Type: Heroin/White		Taken/Stolen? No	
	Weight: 175 Grams		Recovered? Yes	
	Street Value: 26250	Owner: [REDACTED]		
	Inventory #: 10359374			

PERSONNEL	Star No	Emp No	Name	User	Date	Unit	Beat
	Reporting Officer	17931	# [REDACTED]	YOUNG JR, Kenneth	[REDACTED]	28 Jun 2004 11:22	116 4512

PROPERTY INVENTORY - NO.
CHICAGO POLICE DEPARTMENT
CPD-34.523 (REV. 10/09)

INV NO 10359374

PKG
NO.



UNIT
715

INVENTORY NO.
10359374

WARRANT NO.

DATE RECOVERED

17-JUN-2004



RD HK437551

RE-INVENTORY OF:

ITEM ID QUANTITY

DESCRIPTION OF PROPERTY

614102 1 NARCOTIC / DRUG : ZIPLOCK STORAGE BAG W/(6)PLASTIC BAGS W/(50) SMALL ZIPLOCK BAGGIES W/WHITE POWDER SUSPECT HEROIN

614103 1 NARCOTIC / DRUG : PLASTIC BAG W/(16)SMALL ZIPLOCK BAGGIES W/WHITE POWDER SUSPECT HEROIN

MY SIGNATURE HEREON ACKNOWLEDGES
RECEIVING ALL PROPERTY DESCRIBED
IN THIS INVENTORY

RECIPIENTS SIGNATURE
X

ADDRESS - STREET

CITY STATE ZIP

COMMENTS: VICE CASE REPORT

\$ DEPOSITED AMT

\$ INVENTORY AMT

DATE RECEIVED

OFFICER'S SIGNATURE - STAR - UNIT
X

WATCH COMDR.'S APPROVAL SIGNATURE
(EXEMPT RANK REQUIRED FOR FIREARMS)
X

COURT ORDER - DISPOSAL INSTRUCTIONS

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

Court Date

Court Branch

CURRENCY:

IUCR: 2024 NARCOTICS POSS: HEROIN(WHITE)

STATE CHARGES: 720 ILCS 570.0/402-A-1-B

CHARGE TYPE: FELONY

INCHOATE:

RECOVERED/SEIZED FROM - NAME

AT 527 E BROWNING AVE
CHICAGO, IL

BEAT OF RECOVERY
212

☐ DECEASED ☐ ARRESTED

OWNER'S NAME

ADDRESS

CHICAGO, IL

TELEPHONE NO.

JUDGE

CT.BR.

FOUND BY - NAME JONES, ALVIN Star: 19462

ADDRESS

TELEPHONE NO.

OFFICER'S SIGNATURE - STAR UNIT

☒ CHECK IF
C.P.D.

X

SEE COPY 4 FOR NOTICE TO FINDER

☒ HOLD FOR INVESTIGATION
AND/OR EVIDENCE
(IF NOT NEEDED FOR INVESTGATION/EVIDENCE, LEAVE BLANK)

INVESTIGATING OFFICER -
YOUNG JR, KENNETH

STAR NO.
17931

UNIT
715

1st OFFICER'S NAME
YOUNG JR, KENNETH

STAR NO.
17931

☐ PROPERTY AVAILABLE FOR RETURN TO
OWNER

SIGNATURE
Electronic Approval

UNIT
715

☐ TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

2nd OFFICER'S NAME
JONES, ALVIN

STAR NO.
19462

INITIAL DESTINATION OF PROPERTY:

FORENSIC SERVICES DIVISION

SIGNATURE
Electronic Approval

UNIT
715

VIA ☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL
☐ E & RPS PICKUP ☐ EVID./LAB TECHNICIAN

APPROVING DESK SERGEANT
WATTS, RONALD

STAR NO.
2640

DATE
17-JUN-2004

TIME
18:06

Created by:

COPY 1 - KEEP WITH PROPERTY

E. & R.P.S USE ONLY

LOG# 1087744

Attachment 25

Printed by: LB1656/MZ 27 DEC 2017 14:51

INVENTORY NO

10359374

MY SIGNATURE ACKNOWLEDGES THAT I HAVE
RECEIVED ALL PROPERTY DESCRIBED ON THE
APPLICABLE LINES OF THIS INVENTORY AS
SHOWN AT RIGHT.

LINE	OWNER'S SIGNATURE	OWNER'S ADDRESS	DATE RECEIVED	OFFICER MAKING TURN-OVER SIGNATURE & STAR NO.	WATCH COMMANDER'S APPROVAL
614102					
614103					

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

DATE	E. & R.P.S. OFFICER'S SIGNATURE CONFIRMATION	OFFICER'S SIGNATURE ATTESTS RECEIVING OR RETURNING ALL LISTED PROPERTY	STAR NO.	UNIT	CONTINUANCE DATE & REMARKS	INDICTMENT OR DOCKET NO.
	OUT					
	IN					
	OUT					
	IN					

IDENTIFICATION VERIFICATION	VALID DRIVERS LICENSE NO.	STATE	CITY FIREARMS REGISTRATION NO.	ILLINOIS FIREARM OWNERS I.D. NO.
	OTHER IDENTIFICATION (SPECIFY)		CLAIMANT'S SIGNATURE	
			E. & R.P.S. OFFICER'S SIGNATURE - STAR NO.	

STATE OF ILLINOIS)
COUNTY OF COOK) SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff,

VS.

No. 04 19000

Defendant.

REPORT OF PROCEEDINGS HAD

at the hearing of the above-entitled cause, before the Honorable
MICHAEL P. TOOMIN, one of the Judges of said Division, on
the 27th day of October, 2004.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MR. DANIEL HRONEK,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

Jacqueline M. Shenberger
Official Court Reporter
Circuit Court of Cook County, Illinois
Criminal Division

LOG# 1087744

Attachment 26

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INDEX

PROCEEDINGS

<u>WITNESSES</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>	<u>RDX</u>
OFF. YOUNG	7	20	33		
OFF. JONES	35	47			

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THE CLERK: [REDACTED]

MR. MAHONEY: Matthew Mahoney on behalf of [REDACTED] who's present, in custody.

Judge, I've tendered to the Court an executed jury waiver.

THE COURT: Mr. [REDACTED] I have here what is called a jury waiver. Do you understand by signing this document you are asking to waive or give up your right to a jury trial?

MR. [REDACTED] Yes.

THE COURT: Is that what you wish to do?

MR. [REDACTED] Yes, sir.

THE COURT: You understand you have the right to decide whether this will be a bench or jury trial?

MR. [REDACTED] Yes.

THE COURT: If you did elect to have a jury trial, your lawyer and the State's Attorney would select 12 people to sit as a jury here, they would occupy the chairs to your left in the jury box and their function would be to listen to the evidence and from the

1 evidence decide if you had been proved guilty
2 beyond a reasonable doubt.

3 When you have a jury trial you
4 can not be found guilty unless all 12 jurors
5 after hearing the evidence conclude that you
6 have been proved guilty by that standard.

7 When you give up your right to a
8 jury trial you are asking when I make that
9 decision. I too will be bound by the same
10 standard, that is, I can not find you guilty
11 unless I too am convinced beyond a reasonable
12 doubt that you have been proved guilty as
13 charged.

14 Do you understand that?

15 MR. [REDACTED] Yes.

16 THE COURT: Having heard that from me,
17 is it still your decision and desire to give up
18 your right to a jury trial and have me decide
19 the case?

20 MR. [REDACTED] Yes.

21 THE COURT: The jury waiver will be
22 accepted and spread of records.

23 Are there any preliminary
24 matters that we need to address before we

1 proceed?

2 MR. HRONEK: Just a motion to exclude
3 witnesses.

4 MR. MAHONEY: I would join in that
5 motion.

6 THE COURT: Have Mr. [REDACTED] seated.

7 Does the State have an opening
8 statement?

9 MR. HRONEK: For the record, Judge,
10 Dan Hronek for the People.

11 Briefly, your Honor.

12 THE COURT: You may proceed, Mr.
13 Hronek.

14 MR. HRONEK: Thank you, Judge.

15 Your Honor, the evidence you'll
16 hear in this case there are two officers from
17 the Public Housing Unit that were both on duty
18 on June 17th, 2004, when they received
19 information from a concerned citizen. Based on
20 that information they relocated to the Ida B.
21 Wells Housing Project. At that time they
22 observed the Defendant, who also observed or
23 looked in their direction and immediately
24 placed into a mail box a large plastic bag, and

1 then upon placing that bag into the mail box
2 fled into a vehicle and made good his escape.

3 The Officers had contact with
4 the Defendant previously and on July 11th,
5 received information again that he would be in
6 a certain location. They responded to that
7 location and ultimately they were able to place
8 him under arrest.

9 Judge, based on the evidence
10 you'll hear we do believe it is sufficient to
11 prove the Defendant guilty beyond a reasonable
12 doubt of possession with intent to deliver.

13 THE COURT: Very well.

14 Mr. Mahoney.

15 MR. MAHONEY: Yes, Judge. Very
16 briefly. As the State's Attorney said this is
17 an offense that is alleged to have occurred on
18 a given day, a month later the Defendant was
19 arrested. At the time he was arrested he had
20 no narcotics on his person, he made no
21 admissions to the offense, so, the entire issue
22 in this case revolves around whether or not
23 these Officers saw what they said they saw in
24 their reports.

1 Thank you.

2 THE COURT: State, you may call your
3 first witness.

4 MR. HRONEK: The State will call
5 Officer Young.

6 THE COURT: Raise your right hand,
7 please.

8 (WITNESS SWORN.)

9 MR. HRONEK: May I proceed, your
10 Honor?

11 THE COURT: You may.

12 OFFICER KENNETH YOUNG,
13 called as a witness herein, having been first duly sworn, was examined
14 and testified as follows:

15 DIRECT EXAMINATION

16 BY

17 MR. HRONEK:

18 Q Officer, could you please state your
19 name, spell your last name for the Court.

20 A Officer Kenneth Young, Jr., Y-o-u-n-g.

21 Q And Officer, where are you employed?

22 A Public Housing South, City of Chicago
23 Police Department.

24 Q How long have you been a Chicago

1 Police Officer?

2 A 14 years.

3 Q What is your star number?

4 A 17931.

5 Q How long have you been assigned to the
6 Public Housing Unit?

7 A 10 years.

8 Q Officer, turning your attention to
9 June 17th, 2004, were you working at that time?

10 A Yes.

11 Q And at that time were you still
12 assigned to the Public Housing Unit?

13 A Yes.

14 Q At approximately 4:00 P.M. on that day
15 do you recall where you were?

16 A Yes.

17 Q Where was that?

18 A At the Public Housing Unit located at
19 774 East 38th Street.

20 Q And at that time, at approximately
21 4:00 o'clock, did anyone come to you with
22 information?

23 A Yes.

24 Q Did that person give you -- did this

1 individual give you that person's name?

2 A Rephrase your question, please.

3 Q Who came to you at that time?

4 A A concerned citizen.

5 Q Did that concerned citizen give you
6 his name?

7 A I already knew the person.

8 Q And do you recall -- you said that
9 happened at the police station?

10 A Yes.

11 Q What did this person tell you at that
12 time?

13 MR. MAHONEY: Objection, hearsay.

14 THE COURT: Well --

15 MR. HRONEK: Your Honor, I'm offering
16 it for the limited purpose of showing these
17 Officers acted on this information where they
18 relocated to.

19 THE COURT: Is this going to name the
20 Defendant?

21 MR. HRONEK: No -- it may, your Honor,
22 yes.

23 THE COURT: I don't think that's
24 proper then.

1 MR. HRONEK: That's fine, your Honor,
2 I'll withdraw it.

3 BY MR. HRONEK:

4 Q Officer, after you had this
5 conversation where did you go?

6 A We went to [REDACTED]

7 Q What is located at [REDACTED]

8 A A CHA high rise building.

9 Q What building is that?

10 A Ida B. Wells Extension.

11 Q Have you conducted investigations in
12 the Ida B. Wells Housing Extension previously?

13 A Yes.

14 Q Are you familiar with that building
15 located at [REDACTED]

16 A Yes.

17 Q Can you describe that building for the
18 Judge?

19 A It's a seven-story building, it has
20 entrances on the west side and on the east side
21 of the building.

22 Q And going back, were you working with
23 anybody at this time?

24 A Yes, I was.

1 Q Who were you working with?
2 A Officer Al Jones, my partner.
3 Q Was Officer Jones also present at 4:00
4 P.M. when you had this conversation?
5 A Yes.
6 Q And did you and Officer Jones approach
7 that building together?
8 A Yes, we did.
9 Q Which entrance did you approach?
10 A The rear entrance, east entrance.
11 Q The east entrance?
12 A Yes.
13 Q And was there -- strike that.
14 Was this at approximately
15 5:30 in the afternoon on June 17th?
16 A Yes, it was.
17 Q And what happened as you and Officer
18 Jones approached that east entrance?
19 A Entered the lobby location of [REDACTED]
20 [REDACTED] observed a male Black that my partner
21 and I know as [REDACTED] standing at the mail
22 boxes.
23 Q The person that you said you saw
24 standing at the mail boxes, do you see him in

1 Court today?

2 A Yes, I do.

3 Q Point to him and describe something
4 he's wearing?

5 A The Defendant to the right of Counsel
6 with the D.O.C. uniform.

7 Q And you said that you knew this person
8 as [REDACTED]

9 A Yes.

10 Q Okay. You had come into contact with
11 him before?

12 A Yes, I have.

13 Q Approximately how many times?

14 A Four or five times.

15 Q And was that in your capacity as a
16 Chicago Police Officer?

17 MR. MAHONEY: Objection.

18 THE COURT: Overruled.

19 A Yes.

20 BY MR. MR. HRONEK:

21 Q If you can describe the -- you said
22 you saw him standing by the mail boxes. Where
23 were the mail boxes in relation to the east
24 entrance that you entered through?

1 A It's approximately 10 to 15 feet from
2 what would be the rear door.

3 Q Okay. And how far were you from the
4 Defendant when you first observed him?

5 A About 15 feet.

6 Q And can you describe the mail boxes
7 that are where the Defendant was standing?

8 A The mail boxes is a battery of boxes,
9 maybe 70 total, each box is maybe 4 by 5, give
10 or take an inch.

11 Q And after you observed the Defendant,
12 what if anything did he do?

13 A Observed the Defendant, the Defendant
14 looked at myself and my partner, proceeded to
15 shove a large plastic bag into a mail box.

16 Q And this large plastic bag, can you
17 describe that?

18 A It was a large freezer bag.

19 Q Was it transparent?

20 A Yes.

21 Q And could you see that bag before he
22 attempted to put it inside the mail box?

23 A Yes, I did.

24 Q Could you see which mail box he was

1 putting that bag into?

2 A Not at that time, no, sir.

3 Q Where were you in relation to those
4 mail boxes?

5 A I would be behind, if you want to say
6 it that way, I would have to walk towards the
7 west entrance and there's a corner where the
8 mail boxes are.

9 Q And you said that the Defendant looked
10 in your direction; after he looked in your
11 direction how long after that did he place this
12 object inside the mail box?

13 A Seconds.

14 Q How long did it take him to put the
15 object in the mail box?

16 A Seconds.

17 Q And after he put the object in the
18 mail box what happened?

19 A Slammed the door, took off running out
20 the west entrance of the building.

21 Q And were you able to see him run out
22 that door?

23 A Yes, I did.

24 Q What did you do after you saw him

1 leaving that entrance?

2 A I proceeded to try to go after him,
3 observed him run to a 4-door blue vehicle,
4 enter that vehicle and that vehicle went
5 westbound on Browning and then south on Rhodes.

6 Q And where is this entrance that he
7 left to in relation to the mail box?

8 A That entrance would be directly in
9 front of the mail box, maybe four feet away.

10 Q Okay. From the time that the
11 Defendant left that residence and got into the
12 vehicle how long did that take?

13 A No more than about 10, 15 seconds, I
14 guess.

15 Q Did you attempt to follow the
16 Defendant?

17 A On foot, yes.

18 Q And what did you do after you observed
19 the Defendant leaving this vehicle?

20 A I seen that I couldn't catch him, I
21 got just to the outside entrance of the
22 building, I came back into the building and the
23 mail boxes where he was standing, where he had
24 shoved the bag into, there's another box that

1 is open next to that particular mail box.

2 Q That's immediately adjacent?

3 A That's immediately adjacent, it
4 doesn't have a door on it.

5 Q The mail box that you observed the
6 Defendant putting the item into, was that open
7 or closed?

8 A It was closed.

9 Q And was it locked?

10 A Yes, it was.

11 Q And what did you do after observing
12 the open mail box next to it?

13 A I reached my hand into the box that
14 was open, reached around and felt a plastic bag
15 inside the mail box.

16 Q Did you recover that bag?

17 A Yes, I did.

18 Q Describe that bag?

19 A A large zip-lock plastic bag that
20 contained six bundle plastic bags that
21 contained a total of 316 small zip-lock bags
22 that contained white powder substance, suspect
23 heroin.

24 Q And were you able to tell if that was

1 the same bag that you observed the Defendant
2 place into the mail box?

3 A Yes, it was.

4 Q Were you able to observe any other
5 plastic bags or any bags in any of those mail
6 boxes?

7 A None.

8 Q And you say that you were working with
9 Officer Jones at the time, correct?

10 A Yes.

11 Q And what did you do at with the
12 narcotics after they were recovered?

13 A The narcotics were taken back to the
14 station and inventoried.

15 Q And who inventoried those narcotics?

16 A My partner.

17 Q Officer, I want to turn your attention
18 now to July 11th, 2004, approximately three and
19 a half weeks after the 17th, were you working
20 that day?

21 A Yes, I was.

22 Q And at approximately 11:25 a.m. do you
23 recall where you were?

24 A Yes, I do.

1 Q And where was that?

2 A We were at that same location, [REDACTED]

3 [REDACTED]

4 Q What brought you to that location?

5 A Received information that the subject
6 [REDACTED] was selling drugs at that particular
7 location.

8 MR. MAHONEY: Objection.

9 THE COURT: Sustained. I'll strike
10 it.

11 BY MR. HRONEK:

12 Q Did you receive information -- strike
13 that.

14 You did at approximately shortly
15 after 11:00 a.m. go to that same location, [REDACTED]

16 [REDACTED]

17 A Yes.

18 Q Again, were you working with Officer
19 Jones?

20 A Yes.

21 Q What happened when you arrived at [REDACTED]

22 [REDACTED]

23 A I observed the Defendant standing at
24 the top of the stairs on the second floor.

1 Q I'm sorry. The person you said you
2 saw standing at the top of the stairs, do you
3 see him in Court today?

4 A Yes, I do.

5 Q Would you point to him and identify an
6 article of clothing he's wearing?

7 A He's to the right of Counsel.

8 Q And is that the same Defendant you
9 observed on June 17th of this year attempting
10 to place that plastic bag into the mail box?

11 A Yes.

12 Q What did you do after you observed him
13 at the top of the stairs?

14 A The Defendant ran when he seen us and
15 we gave chase.

16 Q Where did he run to?

17 A He tried to get into [REDACTED]

18 Q What did you and Officer Jones do
19 after observing him run?

20 A Gave chase, never losing sight,
21 apprehended the subject after he tried to enter
22 the apartment which was locked.

23 Q Was the Defendant placed into custody?

24 A Yes, he was.

1 MR. HRONEK: Just one moment, your
2 Honor. Your Honor, I apologize.

3 BY MR. HRONEK:

4 Q Officer, the person you stated that
5 you saw at the mail box, do you see him in
6 Court today?

7 A Yes, I do.

8 Q Please, identify that person?

9 A The gentlemen to the right of Counsel
10 with the D.O.C. uniform.

11 MR. HRONEK: Your Honor, I believe I
12 neglected to ask the Court for an in-Court
13 identification of the Defendant, [REDACTED]

14 THE COURT: Yes, you may.

15 MR. HRONEK: No further questions.

16 THE COURT: You may inquire, Mr.
17 Mahoney.

18 CROSS-EXAMINATION

19 BY

20 MR. MAHONEY:

21 Q Officer Young, you say on June 17th,
22 2004 you received some information that lead
23 you to relocate to [REDACTED] is that
24 correct?

1 A Yes.

2 Q Approximately what time did you arrest
3 him at [REDACTED]

4 A About 1725.

5 Q And in layman's terms that would be
6 5:25 P.M.?

7 A Yes.

8 Q And you say you saw the individual
9 that you identified as [REDACTED] at 5:30 P.M.,
10 is that correct?

11 A Yes.

12 Q So, approximately five minutes after
13 you arrived?

14 A Yes.

15 Q So, you walked in the door and you
16 immediately see the Defendant, is that correct?

17 A That is correct.

18 Q From which door did you enter?

19 A The east.

20 Q Would that be facing east?

21 A It would be facing east.

22 Q Towards the lake?

23 A Yes.

24 Q Now, at that time how far was the

1 Defendant from where you were?

2 A When I first entered the first door or
3 the door in the lobby?

4 Q When you first saw the Defendant?

5 A About 15 feet away.

6 Q How far was this mail box area from
7 where you were when you first saw the
8 Defendant?

9 A Same distance.

10 Q The Defendant was standing at the mail
11 boxes?

12 A Yes.

13 Q Could you -- you didn't set up any
14 kind of surveillance before you got to that
15 location, did you?

16 A No.

17 Q You had received this information that
18 lead you to locate to that location at
19 approximately 4:00 P.M. that same day, is that
20 correct?

21 A That's correct.

22 Q How many officers went with you
23 besides yourself and Officer Jones?

24 A Just myself and Officer Jones.

1 Q Officer, on your general offense case
2 report you indicate that there are four
3 additional assisting officers besides yourself
4 and Jones?

5 A Yeah.

6 Q And where were these officers?

7 A They responded after the subject took
8 off.

9 Q So, they were not there at the time
10 you allegedly claim you saw the Defendant, [REDACTED]

11 [REDACTED]

12 A They were not there, no.

13 Q Now, this mail box area, please
14 describe it for the Court. I take it that it's
15 a bank of mail boxes along the wall?

16 A Yes.

17 Q What wall would that be, east, west
18 north?

19 A Those mail boxes would be facing west.

20 THE COURT: Facing what, sir?

21 A Facing west.

22 BY MR. MAHONEY:

23 Q And you were -- in regards to those
24 mail boxes you were to the north of them?

1 A I was to the east of them.
2 Q East of them?
3 A Yes.
4 Q Directly in front of them?
5 A Yes.
6 Q Now, this mail box area room is there
7 any exit from it besides a northbound exit?
8 A Repeat that question.
9 Q The mail boxes are on one wall,
10 there's the east wall --
11 A The mail box are on the west, facing
12 west.
13 Q Facing west?
14 A Yes.
15 Q And you're coming in from the east?
16 A Yes.
17 Q To the south of this mail box area is
18 there any exit?
19 A There's -- to the outside?
20 Q Yes?
21 A No.
22 Q So, in order to exit from the mail box
23 area, if we have the mail boxes along west
24 wall, there's no exit to the south, you would

1 be on the east, the only exit from that mail
2 box area would be to the north, is that
3 correct?

4 A No.

5 Q Where would the exit be?

6 A The exit would be out the west door.

7 THE COURT: You said -- Mr. Mahoney,
8 you said that the mail boxes were on the west
9 wall, I understand they're facing west, you
10 better clarify that.

11 MR. MAHONEY: Thank you, your Honor.

12 BY MR. MAHONEY:

13 Q So, if the mail boxes are facing west,
14 they're on the east wall?

15 A The mail boxes are facing west.

16 Q And to the south of that mail box area
17 there is no exit, is that correct?

18 A Behind the mail boxes there's an east
19 exit.

20 MR. MAHONEY: Judge, I'll clarify that
21 in a second.

22 BY MR. MAHONEY:

23 Q Do you know what mail box the
24 Defendant allegedly shoved this plastic bag

1 into?

2 A [REDACTED]

3 Q You said it was mail [REDACTED]

4 A Yes.

5 Q So --

6 MR. MAHONEY: Judge, could I have a
7 side-bar, there's an issue I need to address?

8 THE COURT: We can have the witness
9 withdrawn. Do you want to step back, Officer.

10 (WITNESS EXCUSED)

11 MR. MAHONEY: Judge, this witness
12 testified on direct that he did not know which
13 mail box that the narcotics were put into. If
14 he's now testifying they were in mail [REDACTED]
15 then if that is the case then my client has an
16 expectation of privacy in mail [REDACTED] and a
17 motion to suppress would be in order. But,
18 he's already previously testified on direct
19 that he did not know what number it was.

20 THE COURT: So, he said something
21 different on Cross than he did on Direct.

22 MR. MAHONEY: Well, my client has an
23 expectation of privacy in mail [REDACTED]

24 THE COURT: Okay.

1 MR. HRONEK: Your Honor, did Mr. [REDACTED]
2 ever tell his attorney that if -- he's
3 asserting an alibi defense, he's saying he
4 wasn't there, what is the expectation of
5 privacy putting an item into that mail box if
6 he's saying he wasn't there.

7 MR. MAHONEY: Judge, an alibi defense
8 has no effect on whether or not the items -- an
9 illegal search took place, my client lived in
10 [REDACTED] in that building, nothing in the
11 reports at all indicate it was from apartment
12 -- mail [REDACTED] The Officer testified on
13 Direct Examination he did not know what mail
14 box it was. If that were the case, there are
15 70 mail boxes, I could not assert an
16 expectation of privacy, I need to have standing
17 for a motion to suppress, based on taking from
18 1 of 70 unidentified mail boxes. He's now
19 testified that it was taken from mail [REDACTED]

20 THE COURT: Well, I think you have a
21 valid motion, I won't preclude you from
22 proceeding on it, you better finish your Cross
23 Examination of that witness. I assume if
24 that's the case, assuming if the State has a

1 stipulation regarding contraband. Let's do
2 that, finish up your examination of him, and
3 we'll take the matter of search and seizure if
4 you think you have something. Okay.

5 (WITNESS RESUMES WITNESS STAND)

6 THE COURT: Please, resume the stand,
7 Officer.

8 You may continue, Mr. Maloney.

9 BY MR. MAHONEY:

10 Q Officer, you testified you saw the
11 Defendant place these drugs in mail [REDACTED] is
12 that correct?

13 A It was found later after that it was
14 in mail [REDACTED]

15 Q Now, when you found these drugs later
16 you say that you had to reach in through and
17 open the mail box and reach around to discover
18 the contents of mail [REDACTED]

19 A To pull the contents out, yes.

20 Q Did you have a search warrant for mail
21 [REDACTED] at that time?

22 A No.

23 Q Mail [REDACTED] was locked, wasn't it?

24 A Yes, it was.

1 Q Do you have any idea what was in that
2 mail box before you searched it?

3 A This plastic bag that the Defendant
4 put in there.

5 Q Do you have any idea if there was
6 anything else in there?

7 A No, I don't.

8 Q So, you chased the Defendant on foot,
9 is that correct?

10 A Very short, just to the top of the
11 stairs.

12 Q And you were unable to catch him?

13 A Unable to catch him.

14 Q You stated in your general offense
15 case report after you allegedly discovered
16 these narcotics in mail [REDACTED] you were going
17 to seek an arrest warrant for the Defendant, is
18 that correct?

19 A The Vice Case Report.

20 Q Your General Offense Case Report, vice
21 case report?

22 A They're two separate reports.

23 Q Did you state in any of your reports
24 that you we going to seek an arrest warrant for

1 the Defendant?

2 A Yes, I did.

3 Q Did you?

4 A No, I did not.

5 Q Now, you said the Defendant is known
6 to you through previous encounters?

7 A Yes.

8 Q You know he lives in the building?

9 A I'm sorry?

10 Q You know he lives in the building,
11 correct?

12 A Yes.

13 Q And yet you were unable to apprehend
14 him until July 11th of 2004, almost a month
15 later, is that correct?

16 A That's correct.

17 Q Had you gone to [REDACTED] looking
18 for him?

19 A Yes.

20 Q Did you fingerprint that bag that you
21 recovered from mail [REDACTED]

22 A No.

23 Q Officer, I'm going to show you what
24 has been marked as Defendant's Exhibit 1 for

1. identification.

2. Do you recognize what's depicted
3. in this photograph?

4. A Yes.

5. Q What is that?

6. A That is the west entrance of [REDACTED]
7. [REDACTED]

8. Q Is that the entrance that you entered?

9. A No, it is not.

10. Q You entered another entrance, is that
11. correct?

12. A I didn't hear you.

13. Q You entered from the east entrance?

14. A Yes.

15. Q And you say the mail boxes are how far
16. from the east entrance?

17. A 15 feet.

18. Q Showing you what I marked as
19. Defendant's Exhibit 2 for identification.

20. Do you recognize what's depicted
21. in this photograph?

22. A Yes.

23. Q What is depicted in that photograph?

24. A It's right directly in front of the

1 apartments.

2 Q What does that show?

3 A That's the view that you have when you
4 come through the door of the east entrance.

5 Q So, this is taken from the view that
6 this photographer would have been standing is
7 the same view you would have had when you
8 entered?

9 A Yes, but a little further back.

10 THE COURT: That's looking west then?

11 A Yes, you're looking west. But, this
12 elevator where this picture was taken, you have
13 a few more feet back from this photograph
14 there.

15 BY MR. MAHONEY:

16 Q But, this is the view?

17 A That's pretty much the view that you
18 have.

19 Q And where in this photograph are the
20 mail boxes located?

21 A Around this corner.

22 Q Would you please place an X on the
23 corner that the mail boxes are located around?

24 A It's located around this corner here.

1 Q And would you please draw an arrow the
2 direction you were coming into the building?

3 A From this direction here. (Exhibit
4 marked)

5 MR. MAHONEY: May the record reflect
6 the witness made an X and an arrow on
7 Defendant's Exhibit 2 for identification.

8 THE COURT: Yes.

9 MR. MAHONEY: Judge, I have nothing
10 further from this witness.

11 THE COURT: Any redirect, Mr. Hronek?

12 MR. HRONEK: Yes, briefly, your Honor.

13 REDIRECT EXAMINATION

14 BY

15 MR. HRONEK:

16 Q Officer, between June 17th and July
17 11th did you make any attempts to find the
18 Defendant at [REDACTED]

19 A Yes.

20 Q Approximately how many times?

21 A I can't recall, there were several,
22 how many, I'm not sure.

23 Q And you were unable to find him
24 between -- or before July 11th?

1 A That is correct.

2 Q Now, going back to the mail box that

3 you described, were you able to see the front

4 of that mail box when you observed the

5 Defendant placing that plastic bag into the

6 mail box?

7 A No.

8 Q You were at a slight angle, is that

9 correct?

10 A That is correct.

11 Q And how far away were you from the

12 mail box where you were standing?

13 A About 15 feet.

14 Q And the front of that mail box where

15 he was observed -- strike that.

16 When you went back to the mail

17 box you were then able to see which mail box he

18 put the items into?

19 A Yes.

20 Q Is there anything on that mail box?

21 A Other than the apartment numbers, no.

22 Q Is there a name on there?

23 A No, there is not.

24 Q And Officer Young, are you certain

1 that the person you observed on June 17th place
2 that plastic bag into the mail box is the same
3 person that you later arrested and is in Court
4 today that you identified?

5 A Yes.

6 MR. HRONEK: No further questions.

7 MR. MAHONEY: Nothing based on that,
8 your Honor.

9 THE COURT: Thank you, Officer.

10 (WITNESS EXCUSED)

11 THE COURT: You may call your next
12 witness.

13 MR. HRONEK: The State will call
14 Officer Jones.

15 (Witness sworn)

16 THE COURT: You may be seated.

17 OFFICER ALVIN JONES,
18 called as a witness herein, having been first duly sworn, was examined
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY

22 MR. HRONEK:

23 Q State your name, star number and
24 current unit of assignment?

1 A Officer Alvin Jones, J-o-n-e-s, star
2 number 19462, assigned to Unit 715, Chicago
3 Police Department.

4 Q And Officer Jones, how long have you
5 been a Chicago Police Officer?

6 A 9 years.

7 Q How long have you been assigned to the
8 Public Housing Unit?

9 A Four and a half years.

10 Q Officer, turning your attention to
11 June 17th, 2004 were you working with anybody
12 at that time?

13 A Yes, I was.

14 Q Who is that?

15 A Officer Kenneth Young.

16 Q And at approximately 4:00 P.M. were
17 you with Officer Young at the Public Housing
18 police station?

19 A Yes, I was.

20 Q Did you and Officer Young have a
21 conversation with an individual?

22 A Yes, we did.

23 Q After that conversation did you and
24 Officer Young relocate to [REDACTED]

1 A Yes.

2 Q What is [REDACTED]

3 A Ida B. Wells Extension High Rise.

4 Q Do you recall what time you arrived at
5 that location?

6 A It was around 1730 hours, which is
7 5:30 in the evening.

8 Q And where -- did you arrive in a
9 vehicle?

10 A Yes.

11 Q Where did you park the vehicle?

12 A In the rear of that location.

13 Q Were you wearing street clothes or
14 uniform?

15 A Street clothes.

16 Q And where -- did you enter that
17 location?

18 A Yes.

19 Q And where did you enter from?

20 A We entered from the rear.

21 Q And what if anything did you observe
22 after you entered that location?

23 A An individual standing in the hallway
24 there near the mail box.

1 Q At the mail box?

2 A Yes.

3 Q Approximately how far were these mail
4 boxes from where you were standing?

5 A 10 to 15 feet.

6 Q Were you with Officer Young at this
7 point?

8 A Yes.

9 Q The individual you saw standing at the
10 mail box, do you see him in Court today?

11 A Yes.

12 Q Point to that individual and describe
13 an article of clothing?

14 A He's the gentleman sitting over there
15 with the khaki D.O.C. uniform on.

16 MR. HRONEK: May the record reflect
17 the in-Court identification of the Defendant?

18 THE COURT: It may.

19 BY MR. HRONEK:

20 Q When you first observed the Defendant
21 what took place?

22 A He shoved a clear plastic bag into a
23 mail box and fled out of the lobby.

24 Q Were you able to see him place the bag

1 into the mail box?

2 A Yes.

3 Q And approximately how long did it take
4 him to place -- from the time that you observed
5 him until the time he placed the bag into the
6 mail box, how long did that take?

7 A Three or four seconds.

8 Q What did you do after you observed him
9 place the bag in the mail box?

10 A We attempted to chase him out of the
11 building, but I never left the lobby area.

12 Q Okay. Where did Officer Young go?

13 A He went I believe out on the porch
14 area.

15 Q And did you observe anything outside
16 after you observed the Defendant leave that
17 location?

18 A The Defendant fled in a vehicle.

19 Q Were you able to see that?

20 A Yes, it was 4-door blue vehicle.

21 MR. MAHONEY: I'm sorry, the answer
22 wasn't responsive. Was he able to see it?

23 THE COURT: I think that objection
24 will be his objection. If it's not responsive,

1 you can clear it up on Cross Examination.

2 BY MR. HRONEK:

3 Q Officer, you were able to see that
4 vehicle?

5 A Yes.

6 Q And what kind of vehicle was that?

7 A It was a blue 4-door vehicle.

8 Q And did that vehicle then leave the
9 scene?

10 A Yes, it did.

11 Q What did you do at that time?

12 A Went back to the mail box area.

13 Q Did Officer Young join you at that
14 time?

15 A Yes.

16 Q And what did you observe Officer Young
17 do at that time, if anything?

18 A I don't recall exactly what he did at
19 that time.

20 Q What took place after the Defendant
21 had left the scene?

22 A We observed the mail box where we saw
23 the Defendant place the object in and close it.

24 Q And where is that stash of mail boxes

1 located?

2 A In the lobby area.

3 Q I mean which direction? If you're
4 facing the mail boxes which direction are you
5 facing?

6 A Eastbound.

7 Q So, the mail boxes are facing west?

8 A The front of them, yes.

9 Q And what did you observe as you went
10 back to the mail boxes?

11 A There was an open mail box directly
12 next to it, there was no cover.

13 Q When you say directly next to it, what
14 do you mean?

15 A Directly next to the mail box that the
16 Defendant placed the object in.

17 Q Were you able to recover that object?

18 A Yes.

19 Q Who recovered that object?

20 A I did.

21 Q And where did you recover it from?

22 A From inside the mail [REDACTED]

23 Q And what did you find that object to
24 be?

1 A Clear plastic bag containing five
2 smaller plastic bags, each of those bags
3 contained fifty small zip-lock bags containing
4 white powdery substance, suspect heroin and one
5 plastic bag with 16 plastic bags containing
6 white powdery substance, suspect heroin.

7 THE COURT: A clear bag with five
8 bags, each bag with fifty packets?

9 A He had fifty, each one of those had
10 fifty.

11 THE COURT: Fifty.

12 And you said something about
13 another --

14 A There was one bag that had 16.

15 THE COURT: This was a white powder
16 you said?

17 A Yes.

18 THE COURT: Go ahead.

19 BY MR. HRONEK:

20 Q And Officer, when you observed this
21 bag what did you believe the white powder to
22 be?

23 A Heroin.

24 Q What did you do with the white bag,

1 I'm sorry, the plastic bag with all its
2 contents?

3 A We took it back to the unit and
4 inventoried it.

5 Q Did you maintain control over those
6 items?

7 A Yes, I did.

8 Q And you had constant care and control
9 of the items until you arrived back at the
10 police station?

11 A Yes, I did.

12 Q When you arrived back at the police
13 station what did you do with the items?

14 A Heat sealed them in a narcotics bag.

15 Q And were they given a unique inventory
16 number of 10359374?

17 A Yes.

18 Q And what did you do with that bag
19 after you began the inventory process?

20 A After the inventory process was over
21 with it was placed in a narcotics safe.

22 Q And what is the purpose of placing
23 them into the narcotics safe?

24 A So it goes to the Illinois State Crime

1 Lab.

2 Q And the bag you placed them into did
3 you sign off on the bag?

4 A Yes, I did.

5 Q Does anyone else have to sign that
6 bag?

7 A My Sergeant.

8 Q What does the Sergeant do with the
9 bag?

10 A That's when it gets placed into the
11 safe after he counts the items.

12 Q And that bag was placed in the vault?

13 A Yes.

14 Q Officer, now turning your attention to
15 July 11th, were you working on that day?

16 A Yes, I was.

17 Q Were you also working with Officer
18 Young?

19 A Yes, I was.

20 Q And did you have occasion to go to --
21 I'm sorry, back to that Ida B. Wells building
22 at [REDACTED]

23 A Yes.

24 Q What happened when you -- I'm sorry,

1 do you recall what time you arrived at that
2 location?

3 A No, I don't.

4 Q Would anything refresh your
5 recollection?

6 A Yes.

7 MR. HRONEK: May I approach, your
8 Honor?

9 THE COURT: Yes.

10 BY MR. HRONEK:

11 Q Showing the witness what I'll mark as
12 People's Exhibit 1 for identification.

13 Do you recognize that document?

14 A Yes, I do.

15 Q What is that document?

16 A That's an arrest report.

17 Q Is that the arrest report for [REDACTED]
18 [REDACTED] on July 11th?

19 A Yes, it is.

20 Q If you would like to look over that
21 document, and when your memory is refreshed as
22 to what time you arrived at [REDACTED]
23 hand it back to me, please.

24 Officer Jones, do you now recall

1 when you arrived at [REDACTED]

2 A It was approximately 11:25 a.m.

3 Q And again, you were working with
4 Officer Young?

5 A Yes, I was.

6 Q Did you see anyone at 11:25 that you
7 now see in Court today?

8 A Yes.

9 Q Would you please point to that person
10 and describe an article of clothing?

11 A The Defendant with the khaki D.O.C.
12 uniform on.

13 MR. HRONEK: I'll ask the record to
14 reflect an in-Court identification of the
15 Defendant?

16 THE COURT: It may.

17 BY MR. HRONEK:

18 Q Is that the same person that you
19 observed on June 17th place that plastic bag
20 into the mail box?

21 A Yes, it is.

22 Q And after you observed him what took
23 place at 11:25 a.m.?

24 A He attempted to gain entry into

1

2 Q Did you and Officer Young pursue the
3 Defendant?

4

A Yes, we did.

5

Q What happened after you gave pursuit?

6

7 A We eventually placed him into custody
there.

8

9 MR. HRONEK: Nothing further, your
Honor.

10

THE COURT: You may inquire.

11

CROSS-EXAMINATION

12

BY

13

MR. MAHONEY:

14

15 Q Officer Jones, when you entered the
building at [REDACTED] were you able to
16 immediately see the Defendant?

17

18 A Not immediately when we entered the
building.

19

Q When did you first see him?

20

MR. HRONEK: Objection. Which day?

21

THE COURT: Sustained.

22

BY MR. MAHONEY:

23

Q On June the 17th?

24

A Not until we reached the lobby area.

1 Q When you got to the lobby area you
2 were able to see him?

3 A Yes.

4 Q And in any of the reports that you or
5 your partner prepared regarding this matter did
6 you mention anywhere in any of those reports
7 that these drugs were found in mail [REDACTED]

8 A Excuse me?

9 Q Did you mention anywhere in any
10 reports that these drugs, these narcotics were
11 found in mail [REDACTED]

12 A I'm not sure.

13 Q Is there anything that would refresh
14 your memory?

15 A Yes, my report.

16 Q And that would be?

17 A The Case Report or the Arrest Report
18 that were prepared.

19 MR. HRONEK: Your Honor, I would
20 stipulate that the reports do not indicate the
21 Officers noting what mail box number they were
22 recovered from.

23 MR. MAHONEY: I'll accept that
24 stipulation, your Honor.

1 THE COURT: Very well.

2 MR. MAHONEY: No further questions.

3 THE COURT: Anything else, State?

4 MR. HRONEK: Nothing based on that,
5 your Honor.

6 THE COURT: Thank you, sir, you may
7 step down.

8 (WITNESS EXCUSED)

9 MR. HRONEK: Your Honor, we'll be
10 proceeding by way of stipulation.

11 We have entered into a written
12 stipulation. Would you like me to just enter
13 the written stipulation into evidence or would
14 you like me to read it?

15 THE COURT: If you have a copy for the
16 Court Reporter it should be made a part of the
17 record, or you can just read it into the
18 record.

19 MR. HRONEK: I'll just read it.

20 It is hereby stipulated by and
21 between the parties that if Arthur Wethers, a
22 Forensic Chemist with the Illinois State Police
23 Crime Lab were called to testify he would
24 testify that he received inventoried item

1 10359374 in a heat-sealed condition from the
2 Chicago Police Department. That said inventory
3 number was opened and found to contain 316
4 items of powder inside plastic bags.

5 That Forensic Chemist Arthur
6 Wethers, employed by the State Police Crime Lab
7 is qualified to testify as an expert in the
8 area of Forensic Chemistry and all equipment
9 used was calibrated and functioning properly
10 when the items were tested.

11 The chemist performed tests
12 commonly accepted in the area of Forensic
13 Chemistry to ascertain the presence of
14 controlled substance upon the items described.
15 That after performing tests on the contents of
16 55 of the 316 items recovered the Chemist's
17 expert opinion, within a reasonable degree of
18 scientific certainty, is that the contents of
19 the tested items was positive for the presence
20 of heroin and the actual weight of those items
21 was 15.7 grams.

22 That the Chemist would further
23 testify that the total estimated weight of the
24 316 items would be 90.4 grams.

1 That after the testing and
2 analysis of inventory number 10359374 was
3 complete, he would further testify that he
4 sealed the items and he would be able to
5 testify in open Court they are the same items
6 that he tested and they are still in a sealed
7 condition.

8 So stipulated?

9 MR. MAHONEY: So stipulated.

10 MR. HRONEK: With that the People
11 rest, your Honor.

12 MR. MAHONEY: Your Honor, I have a
13 motion for a finding at the conclusion of the
14 State's case.

15 THE COURT: Motion for a finding?

16 MR. MAHONEY: Yes.

17 THE COURT: Any argument?

18 MR. MAHONEY: Yes, Judge.

19 First and foremost, I want to
20 note the indictment in this case, a copy of
21 which is in the Court file, indicates that the
22 Defendant is accused of possessing narcotics
23 with the intent to distribute on or about July
24 17th of 2004. There is no testimony in this

1 record whatsoever of the Defendant doing
2 anything whatsoever on July 17th, 2004.
3 Jeopardy has attached. There is no evidence of
4 this Defendant doing anything on that day
5 whatsoever, so, on that alone the State's case
6 must fail.

7 THE COURT: State, any response?

8 MR. HRONEK: My response is I do
9 believe it is an error. The Grand Jury
10 transcript does indicate the Officer was asked
11 on the date of June 17th, which is the correct
12 date of this offense, that he was or is accused
13 of being in possession of those items, I do
14 believe it is a transcriber's error. I would
15 seek leave to amend the indictment to June
16 17th, which pursuant to Statute is permissible
17 at any time prior to a finding in this case.

18 THE COURT: What is your response?

19 MR. MAHONEY: Judge, I believe first
20 of all the Grand Jury indictment cannot be
21 amended, and it's not prior to a finding in the
22 case, it's prior to the prosecution resting
23 their case.

24 THE COURT: Well, if it's a formal

1 defect it can be amended.

2 MR. MAHONEY: It can be re-indicted.

3 THE COURT: You have a transcript; is
4 there any question that the transcript reflects
5 the date of June 17th? The Grand Jury
6 transcript?

7 MR. MAHONEY: It does, your Honor.

8 THE COURT: Police reports, police
9 reports, same thing?

10 MR. MAHONEY: Yes, Judge.

11 THE COURT: I'll deny the motion.

12 MR. MAHONEY: Judge, further then, I
13 would argue that Officer Young has testified
14 that he saw the Defendant with the bag in his
15 hand and he immediately when he entered the
16 building, yet, on Defendant's Exhibit Number 2,
17 which has not yet been entered into evidence,
18 though he clearly testified the direction from
19 which he entered and then he made an X on the
20 photograph where the mail box is, and according
21 to his testimony are around the corner. That
22 is diametrically opposed to seeing the
23 Defendant immediately upon entry and having the
24 mail boxes being around a corner.

1 Judge, the Officer said they saw
2 him shove a plastic bag into a mail box, they
3 don't know what was in that mail box. They
4 chased the Defendant, still at that time didn't
5 know what was in the mail box. But -- and then
6 they don't know what was in the mail box before
7 they searched the mail box, and that leads us
8 to the search and seizure issue, which Officer
9 Young has testified he knows the Defendant
10 lives in the building, testified he was trying
11 to enter [REDACTED] and testified that the
12 drugs were found in [REDACTED] in mail [REDACTED] That
13 they entered a locked federal mail box without
14 a search warrant. There were two officers
15 present, one of them could have easily guarded
16 the mail box while the other Officer sought a
17 search warrant. Judge, for all of these
18 reasons, we would for a finding.

19 THE COURT: Mr. Hronek.

20 MR. HRONEK: Judge, with respect to
21 the argument that the items -- with respect to
22 that he had an expectation of privacy in that
23 mail box. There is no motion before the Court
24 to suppress that evidence. The Defendant was

1 on notice that these items were recovered from
2 a mail box, he apparently understands that the
3 Defendant does live at that address, and if
4 he's trying to assert an expectation of privacy
5 there he had ample time to do so.

6 Your Honor, as to sufficiency of
7 the evidence, Officer Young did testify that he
8 observed the Defendant holding a plastic bag
9 and that when he recovered that bag from the
10 mail box that was the same bag. He also
11 testified there were no other bags of a similar
12 nature in those mail boxes that he was able to
13 see.

14 I believe that the State has met
15 their burden and I'll ask you to deny the
16 Defendant's motion.

17 THE COURT: Mr. Mahoney, you had
18 indicated earlier you were taken by surprise by
19 the Officer's identification of the mail box
20 where the contraband was recovered from. I
21 told you to finish up your examination and that
22 we can then explore the idea of a motion. At
23 best the record at this point simply
24 establishes that the item was taken from the

1 mail box, which is number [REDACTED] There is
2 evidence in the record that your client lived
3 in the building, that was brought out, that in
4 and of itself would not establish any standing.
5 I don't know -- we don't have a written motion
6 here, I don't know that I need one, but, I
7 think we'll have to go further if you're
8 proceeding on that basis. I just don't have
9 enough at this point to draw any legal
10 conclusions. So, however you want to handle
11 it.

12 MR. MAHONEY: Judge, if your Honor's
13 ruling to hear the motion in conjunction with
14 the trial.

15 THE COURT: Pardon me?

16 MR. MAHONEY: I can establish the
17 standing if your Honor is willing to hear the
18 motion in conjunction with the trial.

19 THE COURT: Well, does the State have
20 any objection to hearing the motion with the
21 trial, given that this information cropped up
22 during the trial itself?

23 MR. HRONEK: Yes, your Honor. It's
24 the State's position that although the reports

1 do not indicate a mail box number, Defense
2 Counsel was aware that, I'm assuming he's able
3 to allege standing that the Defendant did have
4 an expectation of privacy, never sought to
5 allege that in any motions until we begun the
6 trial. I don't believe any new evidence that
7 would be pertinent to that -- he could have
8 filed this previously and --

9 THE COURT: How could he have filed it
10 previously if there's nothing reflected in any
11 police report that [REDACTED] was the depository of
12 this contraband, and Officer Young even as late
13 as Direct Examination did not identify the mail
14 box, it was not until Cross Examination that I
15 heard that number mentioned and apparently a
16 light went on in somebody's head that that's
17 their mail box, that's the first time we knew
18 of it. I think that it would be certainly
19 unfair to the Defense to preclude him on the
20 basis of that record to attempt to suppress
21 what's in the motion, what's in the mail box.

22 It may be that what should be
23 done here is to recess the case and have
24 Mr. Mahoney draft a motion and we'll proceed

1 with the motion. That way you'll have notice
2 of what's going on. But, I certainly think on
3 the basis of this record he has to be given the
4 opportunity to do that. And certainly give you
5 some opportunity since you're taken by surprise
6 too to perhaps look into the legal aspect of
7 what was done here and we can soberly approach
8 this issue. But, I don't think it could be
9 left hanging and I think on the basis of what
10 we have here he is entitled to proceed with a
11 motion.

12 I'm not going to enter a finding
13 on the case at this point. But, whatever time
14 it will take for you to draft a motion and I
15 don't know that there's other evidence that
16 will be necessary other than something to
17 establish standing. You heard what the
18 Officers had to say, I suppose if they need be
19 recalled to testify they can be available to do
20 that.

21 MR. MAHONEY: Judge, at this point I'm
22 amenable to whatever the Court suggests. I am
23 in a position to establish standing today.

24 THE COURT: I think there should be

1 something in writing now, make the proper
2 allegations on the motion and we'll continue it
3 to take testimony and hear arguments. If you
4 want to get transcripts between now and then
5 you can do that too.

6 How much time to do that
7 pursuant to your schedules?

8 MR. MAHONEY: Judge, mid November.

9 THE COURT: How about the 18th, how
10 about that Mr. Hronek, Mr. Mahoney?

11 MR. MAHONEY: That's fine, Judge.

12 THE COURT: We'll indicate then that
13 the trial will be entered and continued to the
14 18th of November.

15 MR. HRONEK: Your Honor, is Counsel
16 asking that the witnesses be available for that
17 day?

18 MR. MAHONEY: Yes, please.

19 THE COURT: Maybe you better find out.

20 MR. HRONEK: I was just going to ask.
21 Officer Jones will be on vacation, however
22 Officer Young will be here.

23 MR. MAHONEY: That's fine, Judge.

24 THE COURT: You can be here, Officer

1 Young?

2 OFFICER YOUNG: Yes, sir.

3 MR. HRONEK: Will the Court please
4 admonish Officer Young that is subpoena is
5 still in effect?

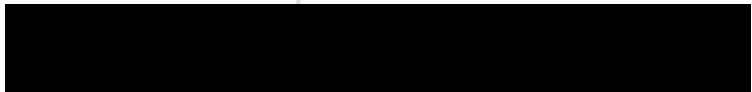
6 THE COURT: You'll be back. All
7 right, November 18th.

(FURTHER PROCEEDINGS CONTINUED TO 11-18-04)

STATE OF ILLINOIS }
COUNTY OF C O O K } SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

I, JACQUELINE SHENBERGER, an
Official Court Reporter of the Circuit Court of
Cook County, Illinois, hereby certify that I
reported in stenographic notes the proceedings
had in the above-entitled matter taken before
the Honorable MICHAEL P. TOOMIN; that I
thereafter caused the foregoing to be
transcribed into typewriting, and further
certify that the foregoing is a true and
accurate transcript of the proceedings had on
this date.


Official Court Reporter

Jacqueline Shenberger
Official Court Reporter
License No. 084-001524

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 Plaintiff-Respondent,)
)
 vs)
)
[REDACTED])
)
 Defendant-Petitioner.)

No. 04 CR 19000-01

MOTION TO SUPPRESS EVIDENCE SEIZED

Report of Proceedings had at the hearing of the above-entitled
cause before the Honorable MICHAEL P. TOOMIN, judge of said court,
on the 24th day of November, 2004.

PRESENT: HON. RICHARD A. DEVINE
 State's Attorney of Cook County
 by, MR. RANDALL TYNER
 Assistant State's Attorney,
 on behalf of the People-Respondent;

 MR. MATTHEW MAHONEY
 Attorney at Law,
 on behalf of the Defendant-Petitioner.

-- -- --

Kathie Kerns, RPR
Official Court Reporter
084-002547

EXHIBIT SS

I N D E X

WITNESS

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[REDACTED]

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CONTINUANCE FOR APPEAL CHECK DATE

CONTINUANCE TO DECEMBER 7, 2004

1 THE CLERK: [REDACTED] Sheets 2 and 4.

2 MR. MAHONEY: Matthew Mahoney on behalf of [REDACTED]

3 MR. TYNER: Randall Tyner for the State.

4 MR. MAHONEY: Judge, if you recall this was a trial
5 that was commenced and continued and a possible motion to suppress
6 came up during the trial. I am ready to finish it.

7 MR. TYNER: Our police officer is not here as of yet
8 anyway. He did know to be here. I think you, Judge, actually
9 admonished him to be here on the previous court date. However,
10 after speaking with counsel I'm not sure we will need him. I don't
11 need him for this part of the motion. Counsel may need him, so with
12 that, Judge, I would say the state would be ready to proceed.

13 THE COURT: Let me take care of the preliminary call.

14 [CASE PASSED]

15 (WHEREUPON, the following proceeding
16 was recalled and held as follows:)

17 THE COURT: On [REDACTED] is that going to entail
18 evidence or argument or what?

19 MR. MAHONEY: I will have one witness to establish
20 standing that will take ten minutes.

21 THE COURT: One witness?

22 MR. MAHONEY: One witness.

23 THE COURT: We can do that right now, I suppose, if
24 you are ready. [REDACTED]

1 THE DEPUTY SHERIFF: Coming out.

2 MR. MAHONEY: Again, Matthew Mahoney on behalf of

3 [REDACTED] I don't know if the court received a copy of the
4 transcript, but I made the court a copy.

5 THE COURT: All right. Mr. [REDACTED] is before the court.

6 MR. MAHONEY: Judge, I guess this would be styled in
7 the nature of a motion to suppress, commenced and continued in the
8 middle of a trial commenced and continued.

9 We are here ready to proceed on the motion to
10 suppress.

11 THE COURT: State ready too?

12 MR. TYNER: We are, Judge.

13 THE COURT: How is it you are going to proceed today,
14 Mr. Mahoney?

15 MR. MAHONEY: Judge, there will be a short stipulation
16 and then I will be calling one witness to establish standing.

17 THE COURT: You want to be seated.

18 MR. MAHONEY: He can be seated, Your Honor.

19 THE COURT: Have Mr. [REDACTED] seated. All right. You
20 may proceed, sir.

21 MR. MAHONEY: Judge, at this point we would be
22 proceeding by way of stipulation. That stipulation is if Officer
23 Jones or Officer Young were recalled to the stand to testify and
24 asked the question whether or not they had received consent to

1 search mailbox number [REDACTED] located at [REDACTED] on the date
2 of June 17, 2004, their answer would be no. So stipulated?

3 MR. TYNER: Stipulate.

4 MR. MAHONEY: Judge, at this time I call [REDACTED]
5 [REDACTED]

6 (Oath Administered)

7 THE COURT: Keep your voice up loud and clear.
8

9 [REDACTED]
10 called as a witness on behalf of the Defendant-Petitioner, having
11 been first duly sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MAHONEY:

14 Q. Ma'am, in a loud voice would you please state your name
15 and spell both your first and last name.

16 A. [REDACTED]. [REDACTED]

17 Q. Ma'am, how old are you?

18 A. 33.

19 Q. Where do you live?

20 A. [REDACTED] in Chicago.

21 Q. How long have you lived there?

22 A. Seven years.

23 Q. Do you know an individual by the name of [REDACTED]

24 A. Yes, I do.

1 Q. How do you know [REDACTED]

2 A. He is my fiance and the father of our three boys.

3 Q. He is the father of your three children?

4 A. Yes.

5 Q. How long have you known him?

6 A. 15 years.

7 Q. Prior to June 17th of 2004, was [REDACTED] living at [REDACTED]
[REDACTED] number [REDACTED]

9 A. Yes, he was.

10 Q. And other than periods of incarceration, how long had [REDACTED]
11 [REDACTED] been living there?

12 A. All that time.

13 Q. Six-and-a-half years?

14 A. Yes.

15 Q. Did Mr. [REDACTED] receive mail at [REDACTED] apartment
16 number [REDACTED]

17 A. Yes, he did.

18 Q. Did he have a key to that mailbox?

19 A. Yes, he does.

20 Q. Other than yourself and Mr. [REDACTED] did anyone else have a
21 key to that mailbox?

22 A. No.

23 MR. MAHONEY: Judge, may I approach the witness?

24 THE COURT: Yes.

1 MR. MAHONEY: Q. Ma'am, I want to show you what I
2 have marked as Defendant's Exhibit No. 3 for identification and ask
3 you if you recognize what this document is a photocopy of.

4 THE WITNESS: A. Yes, I do recognize it.

5 MR. MAHONEY: Q. What is it?

6 A. The Circuit Court of Cook County, Illinois, a check made
7 out to [REDACTED]

8 Q. What address is the check made out to [REDACTED] in?

9 A. [REDACTED] in Chicago, 60653.

10 Q. And that is a check from the Circuit Court of Cook County,
11 Illinois?

12 A. Yes, it is.

13 Q. Showing you what I have marked as Defendant's No. 4 for
14 identification. I am going to ask you if you recognize this
15 document. Is that an envelope?

16 A. Yes, it is.

17 Q. Who is the envelope addressed to?

18 A. [REDACTED] at --

19 Q. At what address?

20 A. [REDACTED]

21 Q. Who is the return address on the envelope?

22 A. To his probation officer, C O Dickerson, C C A P D, at
23 1644 West Walnut, also located in Chicago.

24 Q. Did you receive -- were you the one that retrieved this

1 check and the envelope and the contents it's contained from the
2 mailbox?

3 A. Yes.

4 Q. Were they in [REDACTED]

5 A. Yes, they were.

6 MR. MAHONEY: Nothing further, Your Honor.

7 THE COURT: Any questions?

8 MR. TYNER: Yes, Judge.

9 CROSS-EXAMINATION

10 BY MR. TYNER:

11 Q. Miss [REDACTED] you said you have three boys with the
12 defendant?

13 A. Yes.

14 Q. One of those boys is named [REDACTED] is that correct?

15 A. Yes.

16 Q. How old is [REDACTED]

17 A. 13.

18 Q. You lived there seven years and the defendant has lived
19 there six-and-a-half years?

20 A. Uhm, he has been there all the time, except the few days
21 he has been incarcerated, so.

22 Q. So he has lived there the same amount of time you have
23 lived there?

24 A. Yes.

1 Q. And you receive mail in [REDACTED] correct?

2 A. Yes, I do.

3 Q. [REDACTED] is in a wall of mailboxes, is that correct?

4 A. Yes, it is.

5 Q. And the front side of those mailboxes has a door with a
6 lock that you have a key to, is that correct?

7 A. I need a key to get into my mailbox.

8 Q. Correct, that's the front side of it. The part that faces
9 you when you walk up to the mailbox, correct?

10 A. Yes.

11 Q. The backside of the mailbox is open so the mail carrier
12 can deposit your mail, is that correct?

13 A. No.

14 Q. There is a door on the backside?

15 A. Yes, it's a door with a padded lock so the mailman has a
16 key to unlock the mail door to enter the room, the mail room, and
17 put the mail in.

18 Q. He has a key to the door to enter the room, but once he
19 enters the room the back sides of all those mailboxes on the wall is
20 open?

21 A. I don't --

22 Q. So he can just place mail into the slots, right?

23 A. I never paid attention to that.

24 Q. You never looked into your mailbox and seen the back of it

1 was open?

2 A. I just never paid attention -- it's like sometimes it is,
3 sometimes it's not. Sometimes it has like a steel-gray slot back
4 there and sometimes it doesn't have a slot back there.

5 Q. But there is no door on the back of it. You can see into
6 it? Whether it is open or this grate is on there, you can still see
7 through, correct?

8 A. No. No.

9 Q. Why not?

10 A. Because you need a key to see inside of your mailbox.

11 Q. I am talking about the mailman who is inside. He can see
12 inside of your mailbox?

13 A. Oh, I don't know what he can see.

14 Q. If there is no door on the back of it, there is nothing
15 obstructing his view on the inside of your mailbox, is that correct?

16 A. When I go in my mailbox, sometimes there is a gray slot
17 there and sometimes there is not a gray slot there.

18 Q. Okay. Now [REDACTED] to which you have a key is where
19 you go every day to pick up your mail, is that correct?

20 A. Yes.

21 Q. If you have letters you want to send out there is a
22 separate spot for you to drop those letters off, is that correct?

23 A. No. I go to the, uhm, mailbox located on 35th and
24 Cottage Grove or King Drive.

1 Q. But you don't put them in your mailbox, is that correct?

2 A. No.

3 Q. That's because if you put them in your mailbox the mailman
4 thinks it is mail that has been delivered; it's not for him to pick
5 up, is that correct?

6 A. I don't know what he thinks.

7 MR. MAHONEY: Objection.

8 THE COURT: I don't know what she knows what the
9 mailman does.

10 MR. TYNER: Q. You don't put mail to go out, correct?

11 THE WITNESS: A. Yes.

12 MR. TYNER: Q. It's just for you to receive mail?

13 A. Correct.

14 MR. TYNER: Nothing further.

15 THE COURT: Anything else?

16 MR. MAHONEY: One question, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. MAHONEY:

19 Q. Miss [REDACTED] just to clarify. The back of the mailbox,
20 after you open the front door, sometimes there is a steel plate
21 locking the back of it the mailman puts there, and sometimes there
22 is none; is that your testimony?

23 A. Yes.

24 MR. MAHONEY: Nothing further, Judge.

1 THE COURT: Anything else?

2 MR. TYNER: Nothing else.

3 THE COURT: Thank you, ma'am. You may step down.

4 THE WITNESS: Thank you.

5 THE COURT: You rest?

6 MR. MAHONEY: Petitioner rests on the motion, Judge.

7 THE COURT: State have any evidence to present?

8 MR. TYNER: No, Your Honor.

9 THE COURT: Mr. Mahoney, it's your motion. Any
10 argument?

11 MR. MAHONEY: Yes, Judge.

12 ARGUMENT

13 by Mr. Mahoney:

14 Judge, what we have in this case is the defendant
15 clearly had standing in mailbox number [REDACTED] He has received mail
16 there, we have copies of that mail from his probation officer, and
17 from the Circuit Court of Cook County bond refund check, and I don't
18 think counsel could argue with a straight face that a 13 year-old
19 would be receiving a bond refund check.

20 So the defendant had standing in the mailbox. The
21 officers have testified that they saw who they claimed to be the
22 defendant place a bag containing a white powder into a mailbox, lock
23 it, and run away. They then testify that after the defendant had
24 allegedly made good his escape, that they reached through an open

1 mailbox that was next to [REDACTED] reached around behind into the
2 mailroom and reached their hand into the back of that locked mailbox
3 and retrieve this bag.

4 Judge, this is clearly an illegal search. A mailbox
5 is where a person has absolute expectation of privacy. It is a
6 federal crime other than someone from the post office or the
7 authorized user of a mailbox to open a mailbox or retrieve contents
8 from the mailbox.

9 The officer testified that both he and his partner
10 were there. In addition to that, they testified that four other
11 officers arrived at the scene after the defendant had allegedly made
12 good his escape. So what we have is six officers at the scene of a
13 fixed mailbox. This is not a vehicle, there is no exigent
14 circumstances existing here. It would have been a simple matter to
15 place two officers on either side of the mailbox, one to the door
16 and one to the front of the mailbox, and have one of the other four
17 officers on the scene go down and get a search warrant as the
18 constitution requires. Yet they didn't do that.

19 What they did was they reached behind the mailbox and
20 pulled out the contents of that mailbox, conducting an illegal
21 search.

22 Now, Judge, there is one point that I want to make as
23 far as the officer's credibility is concerned. It is a point that
24 came across while reading transcript of their testimony. I'm sure

1 the state is going to argue somewhere in the officer's testimony
2 that somehow probable cause existed for this search. So before I
3 sit down I would like to make a note on the officer's credibility.
4 In doing so, Your Honor, I would like to point to page 16 of the
5 transcript. This is the testimony of Officer Young on direct
6 examination by Mr. Hronek (phonetic). If you read down to line 13,
7 Judge, he is asked the question by Mr. Hronek -- I'm sorry, around
8 line 11 -- "What did you do after observing the open mailbox?"
9 Officer Young's answer was: "A. I reached my hand" -- as an aside,
10 Judge, I want you to pay particular attention to the pronouns -- "I
11 reached my hand into that box that was open. Reached around, felt a
12 plastic bag inside the mailbox.

13 Q. Did you recover that bag?

14 A. Yes, I did." (End of reading.)

15 I would like to now direct your attention to page 41
16 of the transcript. This is the testimony of Officer Jones. Again,
17 on direct by Mr. Hronek. And I would like to direct your attention
18 down to line 15. The defendant has answered a question where he
19 answers: "Directly next to the mailbox that the defendant placed
20 that object in." He is then asked the question: "Q. Were you able
21 to recover that object?

22 A. Yes.

23 Q. Who recovered that object?

24 A. I did."

1 So, Judge, I point this out because these -- both of
2 these officers were asked not once but twice "who recovered it?"
3 Not once but twice each individual officer answered that they
4 individually recovered that bag.

5 Now, Judge, this is a very saline point. This is not
6 a question like, *Officer, who exited the vehicle first when you*
7 *chased the defendant? What time was it? Was it 7 or 7:15?* The
8 type of question that may not be relevant to the issue at hand or
9 that a reasonable officer may or may not know the answer to.

10 This is a question about who recovered the narcotics
11 and these officers' testimony is diametrically opposed to one
12 another and that logically leads to the inescapable conclusion that
13 one of two things is possible, and only one of two things: Either
14 one or both of these officers is lying, or, one or both of these
15 officers does not accurately remember the events of that day. There
16 is no other possibility.

17 Now this court may or may not be in a position, I
18 don't think so, to tell which officer is lying or which officer
19 doesn't accurately remember the events of the day, but certainly one
20 or both of them is either lying or does not remember the events of
21 the day.

22 In addition to the fact they testified to illegal
23 search where there was ample opportunity to obtain a search warrant
24 with no danger to losing the alleged contraband while they obtained

1 the search warrant. Their testimony in addition is incredible. And
2 based on that, Judge, we would ask you to grant the defendant's
3 motion to suppress.

4 ARGUMENT

5 by Mr. Tyner:

6 Judge, this was June 17, 2004, which was a Thursday at
7 5:30 in the afternoon. What expectation of privacy does the
8 defendant have when he shoves a bag with 316 individually wrapped
9 bags of suspect narcotics into a mailbox in a mailroom where a
10 postal worker may possibly still have been working? It's not
11 uncommon for mail workers to still be delivering their mail at 6 or
12 7 o'clock at night. I have a mailroom in my building and seen them
13 there that late at night.

14 MR. MAHONEY: Objection, testimony from counsel.

15 THE COURT: Overruled. Argument.

16 MR. TYNER: The defendant had no idea of whether or
17 not that mailman was there. That backside of the mailbox is
18 accessible to postal workers, Your Honor. He had no expectation of
19 privacy when someone could reach into the adjacent mailbox and reach
20 in around through a mailbox that has a door and reach in a mailbox.
21 There is no expectation of privacy.

22 Judge, those mailboxes are depositories to be used by
23 federal employees to place mail in there for the defendant to pick
24 up. It is a delivery point, Judge, it is not a drop off point for a

1 person to leave mail to be sent out, and it is certainly not a place
2 where the defendant or anyone else to place an object or store it
3 for later pick up, especially nonmailable items, which this plastic
4 bag was. In fact, Your Honor, the defendant when he placed that
5 item in there committed a federal crime. Under title 18, chapter
6 83, section 1701 of the United States code, Your Honor: "Whoever
7 knowingly and willfully obstructs or retards the passage of mail or
8 any carrier or conveyance carrying the mail shall be fined under
9 this title or imprisoned not more than six months or both." So when
10 he shoved that plastic bag in there he was in essence committing a
11 crime.

12 Judge, the officers in this case observed the
13 defendant not making furtive movements. This case is akin to a
14 vehicle stop where the officer walks up and sees someone making
15 furtive movements. Under case number -- People v. Jones, 207,
16 Illinois Appellate 30, the officer, if he only sees furtive move,
17 has no right to conduct a warrantless search of that vehicle.
18 However, if he sees furtive movements in conjunction with seeing the
19 defendant or anyone else placing an item somewhere, then he has a
20 right to further investigate if he believes that item is contraband.

21 Further, Judge, it's the state's position that the
22 defendant doesn't even meet the requisite standing in his complaint
23 against the seizure of this item when the defendant shoved that item
24 in there and fled the scene and made good his escape. He in

1 essence, abandoned that item. He didn't say "I'll be back for that
2 later." No, he fled the scene leaving that item. And the officers
3 had every right, every probable cause to seek that contraband out
4 after seeing him place it in there.

5 Judge, anyone who abandons an item in such a manner
6 has no right to complaint. There is case law supporting the concept
7 that a defendant cannot complain about an illegal search or seizure
8 of property. Abandoned property falls outside of the
9 Fourth Amendment, Your Honor. Property abandoned before seizure is
10 not the product of any illegal police conduct. And when the
11 defendant abandoned that item, he gave up any Fourth Amendment right
12 against illegal search and seizure. Had he stayed he would have had
13 that right. But he didn't, Judge. He left, he abandoned that item,
14 and he can't complain about the seizure today.

15 THE COURT: Anything further?

16 MR. MAHONEY: Yes, Judge.

17 REBUTTAL ARGUMENT

18 by Mr. Mahoney:

19 Counsel in his own argument analogizes this case to
20 furtive motions in a vehicle. A vehicle is a different animal. It
21 is a movable object. There are exigent circumstances. That
22 particular area of case law does not apply to this.

23 As to the issue of abandonment, Judge, the officers
24 have testified that the defendant placed the object in the mailbox

1 and locked it; that does not constitute abandonment of any type of
2 property.

3 Moreover, placing something into a mailbox is not
4 necessarily a federal crime. As counsel stated with his mailbox, I
5 know with my mailbox sometimes I open it, look at the mail, put it
6 back in and lock it because I don't want to take it with me wherever
7 I am going. So certainly a person has a right to put objects back
8 into their mailbox.

9 The officers saw white powder, they had reason to
10 suspect that this might be narcotics. But we have a constitution.
11 And based on the circumstances here, a mailbox is akin to a home for
12 purposes of search and seizure. Six officers on the scene with the
13 defendant allegedly having made good his escape, they needed to go
14 get a warrant. They didn't. It was an illegal search and it must
15 be suppressed.

16 THE COURT: All right. The court has heard the
17 evidence on the motion to suppress evidence and will make the
18 following findings of fact and conclusions of law mandated under
19 section 114-12 of the Code of Procedure.

20 The evidence essentially has been offered by
21 stipulation on this motion, with some additional testimony from
22 Miss [REDACTED] and matters relating to consent.

23 By way of summary, what the evidence does reflect is
24 that on June 17, 2004 Mr. [REDACTED] resided at [REDACTED] in the

1 city of Chicago, at [REDACTED] He had lived there for sometime
2 for at least the last six to seven years with his fiancée, [REDACTED]
3 [REDACTED] and three children on the date of June 17th. In the
4 afternoon he was in the premises in the lobby when the two officers
5 involved in this case came into the lobby, observed the defendant in
6 the mailbox area deposit a large plastic bag into a mailbox and then
7 flee from the premises. They attempted to follow him, stop him, but
8 he was successful in eluding him and getting away.

9 The officers went back to the mailbox. Each testified
10 the mailbox was locked, but each testified that they were able to
11 gain entry into it through an open mailbox, I believe adjacent to a
12 mailbox for [REDACTED] They were able to reach inside into the
13 back, reach around and pull out the contents of the bag, pull out
14 the large plastic bag that they observed Mr. [REDACTED] place into the
15 locked mailbox or was locked when they got to it. That item that
16 was recovered is the subject matter of this motion and presumably
17 contained contraband that is the subject of this case.

18 All of this was done without the benefit of an arrest
19 warrant, search warrant, or any other lawful process. The defendant
20 from what this court can ascertain from the testimony was not in any
21 violation of any federal, state, or local law at the time the
22 observations were made, and pursuant to the stipulation today there
23 was no consent obtained by the officers to go into or search the
24 mailbox.

1 The question is as to what exactly the law would say
2 was done by these officers. Was their search probable cause? And I
3 believe that has to be answered in the negative. There was no
4 probable cause to believe that Mr. [REDACTED] was committing an
5 offense -- federal, state, or otherwise. There may have been
6 hunches.

7 The state submits that this was abandoned property,
8 that the defendant put the property, put the bag into the mailbox,
9 which could easily have been recovered by postal service workers who
10 had access to the mailroom where they could make deposits of mail
11 into the rear of all of these boxes and in effect take out whatever
12 items they might find in the mailbox area themselves.

13 The fact that this mailbox was locked at the time the
14 officers came upon it would militate against a finding that this
15 property was abandoned. It may be that Mr. [REDACTED] violated some
16 provision of Title 18 in depositing contraband or any other thing
17 into his own mailbox, but that is not what was before the court.

18 The question is: What right do these police officers
19 have to go into this mailbox, through another mailbox that might
20 have been open, and worm their way into the area and recover
21 property that is simply sitting in the mailbox?

22 The court finds that Mr. [REDACTED] did have an expectation
23 of privacy in his own mailbox. And I am not aware of any theory or
24 proposition or exception to the Fourth Amendment that would allow

1 the officers to go into this mailbox and recover what they did.

2 Accordingly, the motion to suppress shall be granted
3 by way.

4 MR. TYNER: If I can have one moment, Your Honor.

5 (Pause held.)

6 MR. TYNER: Judge, the state would ask for a check
7 date.

8 THE COURT: A check date. Want to step up,
9 Mr. Mahoney.

10 MR. MAHONEY: Judge, I would like to address another
11 issue. Within thirty days?

12 THE COURT: Well, he said a short date.

13 MR. TYNER: A week, two weeks. That's fine.

14 MR. MAHONEY: How about December 7th?

15 THE COURT: December 7th. That's fine, I will be
16 here.

17 MR. MAHONEY: Judge, and at this time I will ask the
18 court to revisit the issue of defendant's bond. I believe that
19 circumstances have sufficiently changed to warrant that.

20 THE COURT: All right. What do you want to say?

21 MR. MAHONEY: Judge, that the defendant has two cases.
22 He has the case we just heard the motion on. The motion at this
23 point has been granted, so circumstances have substantially changed,
24 in the fact that the -- if the state does elect to appeal and files

1 a certificate of substantial impairment, statutorily the defendant
2 cannot be held to bail as to the dangerousness of the community. I
3 would point that out in regards to the instant case.

4 Judge, there is also a violation of probation pending.
5 The basis for the violation of probation was the new case and that
6 the defendant had missed one curfew and then tested positive twice
7 for marijuana. Those are the only allegations in the violation of
8 probation.

9 I would tender to the court a community service. The
10 defendant was sentenced to community service as part of his
11 probation. As the court can plainly see, up until the 6th of June a
12 week or ten days before he was arrested, he was in full compliance
13 with his community service, was going on a regular basis.

14 Judge, I also have the defendant's probation reporting
15 card that shows he was in fact reporting to Probation as ordered.
16 So the only violation, Judge, at this point, assuming the new
17 indication is either appealed or nollied, he would not be held to
18 bail on that case. The only allegations are one missed curfew and
19 two positive tests for marijuana.

20 This defendant has served 120 days since his arrest.
21 If the court were not inclined to give him an I bond on the
22 violation of probation, we would be inclined to enter into a 402
23 conference immediately to see if we can perhaps resolve one missed
24 curfew and two positive tests for marijuana, time considered served.

1 Judge, I would be asking for an I bond in the substantive case and
2 either an I bond or 402 conference on the violation, Judge.

3 MR. TYNER: Judge, the defendant's background includes
4 four previous felony convictions. Most recent is a 2002 PCS case
5 for which Your Honor put the defendant on probation, which I believe
6 is what his violation of probation was about.

7 Judge, before that in 1993, the defendant was
8 convicted of attempt murder, unlawful use of a weapon by felon.
9 Those two cases, attempt murder 6 years IDOC, and two years on the
10 UUW by felon to run concurrent.

11 Judge, considering the defendant's violent background,
12 I don't believe there has been a substantial change in circumstances
13 to warrant reduction of bail.

14 THE COURT: Well, I don't know what could be more
15 substantial than to have the evidence suppressed on the subsequent
16 matter. The half sheet reflects there was a, looks like a composite
17 bond set on July 19th, two hundred thousand dollars. Is that your
18 recollection?

19 MR. MAHONEY: My recollection is that the composite
20 bond is four hundred twenty-five thousand dollars. But I could be
21 mistaken.

22 THE COURT: The arraignment on this case was 8-23. So
23 there was a bond hearing on the V.O.P. earlier than that. I don't
24 see a blue back. Maybe it's in this file. Yeah, the probation

1 matter is in this file.

2 MR. MAHONEY: Judge, I believe Your Honor set the bond
3 on the violation of probation.

4 THE COURT: On the V.O.P.?

5 MR. MAHONEY: Yes.

6 MR. TYNER: Judge, I have an indication --

7 THE COURT: Two hundred thousand dollars?

8 MR. TYNER: My indication is on August 27th of this
9 year, Judge, you set a four hundred twenty-five thousand dollar.

10 THE COURT: On August 27th?

11 MR. TYNER: Yes, sir.

12 THE COURT: I don't even show the case here on August
13 27th. I show nothing on the substantive case other than an
14 arraignment and --

15 MR. TYNER: That could have been August 23rd. I am
16 not sure with Mr. Hronek's handwriting.

17 MR. MAHONEY: It was the 23rd, Your Honor.

18 THE COURT: Let me see.

19 MR. MAHONEY: Judge, my recollection is there was a
20 two hundred thousand dollar D bond set in bond court and Your Honor
21 set a four hundred twenty-five thousand dollar D bond.

22 THE COURT: I think it may be the other way around.

23 MR. MAHONEY: Yeah, it's the other way around.

24 THE COURT: The bond is two hundred twenty-five

1 thousand dollars on the new case, which I didn't set at all. I did
2 set the bond on the V.O.P. on July 19th at two hundred. So it is
3 four hundred twenty five-thousand dollars. Let me just take a look
4 at the petition here and see if you are correct.

5 It's got the instant case, the possession case.
6 Curfew. One curfew and one positive marijuana -- tested positive
7 twice, February 17th and May 20th. You have been in custody since
8 July 11th?

9 THE DEFENDANT: Yes.

10 THE COURT: He wasn't arrested the same date?

11 MR. MAHONEY: No, Your Honor. Judge, again, I would
12 just reaffirm that he has been in compliance with both his community
13 service and his reporting.

14 THE COURT: Is he in a position to make any bond at
15 all?

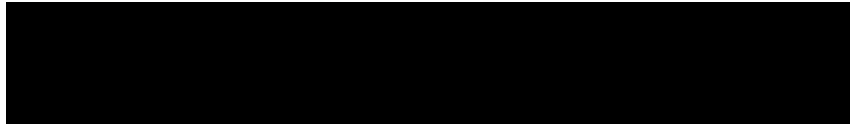
16 MR. MAHONEY: I don't believe so. Possibly one
17 thousand dollars, Your Honor. The family is kind of strapped.

18 THE COURT: I am going to modify bond. The composite
19 bond will be \$50,000 I bond. Mr. [REDACTED] by signing this bond you
20 will be guaranteeing me you will be back here on the next date,
21 which will be December the 7th. And if you are not here -- so it's
22 obviously to your advantage to be here and to resolve the question
23 of your probation violation at that time.

24 MR. MAHONEY: Thank you, Your Honor.

1 STATE OF ILLINOIS)
 2) ss:
 3 COUNTY OF COOK)
 4

5 I, KATHERINE A. KERNS, CSR, Official Shorthand Reporter of
 6 the Circuit Court of Cook County, County Department - Criminal
 7 Division, do hereby certify that I reported in machine shorthand
 8 and subsequently transcribed by the use of Computer Aided
 9 Transcription the hearing had in the above-entitled cause and that
 10 the foregoing is a true and correct transcript of the evidence had.



11
 12
 13 Official Shorthand Reporter
 14 Circuit Court of Cook County

15
 16 On this 21st day of December 2015
 17
 18
 19
 20
 21
 22
 23
 24

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 001 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

GENERAL INFORMATION

CB: 015878582 IR: 0901905 SID: 028420360 FBI: 755126RA4 RD: HK437551

ATTORNEY INFORMATION

SEQ ATTY NBR ATTORNEY NAME

001 17827 MAHONEY MATTHEW L

FIRST APPEAR ASSIGN CD

082304 A

CHARGE INFORMATION

NBR A TYPE CLASS CHAPTER/SECTION

001 F X 720-570/401(a)(2)(A)

DESCRIPTION

MFG/DEL 15<100 GR COCA/A

DISPOSITION INFORMATION

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 002 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

081104 - 0411 -

IND/INFO-CLK OFFICE-PRES JUDGE

082304

1701

CR1900001 I

04CR1900001 ID# CR100570728

CLERK'S OFFICE 26TH & CALIFORNIA

0900 AM

082304 - 0415 -

CASE ASSIGNED

082304

1726

BIEBEL, PAUL JR.

ROOM 101

26TH & CALIFORNIA

0900 AM

082304 - 0890 -

DEFENDANT IN CUSTODY

000000

BIEBEL, PAUL JR.

ROOM 101

26TH & CALIFORNIA

0900 AM

082304 - 0890 -

DEFENDANT IN CUSTODY

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT

=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 003 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

082304 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

082304 - 0416 -

DEFENDANT ARRAIGNED 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

082304 - 0422 -

PLEA OF NOT GUILTY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 004 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

082304 - 0380 -

DISCOVERY ANSWER FILED

000000

1

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

082304 - 0322 -

MOTION FOR DISCOVERY

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F

1

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

082304 - 0986 -

ADMONISH AS TO TRIAL IN ABSENT

000000

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

082304 - 0305 -

CONTINUANCE BY AGREEMENT

092904

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT

=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 005 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

092904 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

092904 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

092904 - 0380 -

DISCOVERY ANSWER FILED 000000

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TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 006 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

092904 - 0300 -

WITNESSES ORDERED TO APPEAR 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

092904 - 0305 -

CONTINUANCE BY AGREEMENT 102704

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

102704 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

102704 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 007 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

102704 - 0426 -

JURY WAIVED

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TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

102704 - 0300 -

WITNESSES ORDERED TO APPEAR

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TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

102704 - 0305 -

CONTINUANCE BY AGREEMENT

111804

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 008 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

111804 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

111804 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

111804 - 0330 -

MOTION TO SUPPRESS 000000

F 2

EVIDENCE

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 009 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

111804 - 0300 -

WITNESSES ORDERED TO APPEAR 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

111804 - 0305 -

CONTINUANCE BY AGREEMENT 112404

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

112404 - 0890 -

DEFENDANT IN CUSTODY 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

112404 - 0896 -

PRISONER DATA SHEET TO ISSUE 000000

TOOMIN, MICHAEL P.

ROOM 702 26TH & CALIFORNIA 0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 010 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

112404 - 0330 -

MOTION TO SUPPRESS

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S

2

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

112404 - 0605 -

DEFENDANT REL ON I BOND

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50000.00

TO ALSO COVER 02CR05992

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

112404 - 0305 -

CONTINUANCE BY AGREEMENT

120704

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CASE 04CR1900001 S (START OF FELONY CASE)

PAGE: 011 OF 011

DEFENDANT NAME: [REDACTED]

LST APPEAL:

120704 - 0103 -

NOLLE PROSEQUI

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CALL

TOOMIN, MICHAEL P.

ROOM 702

26TH & CALIFORNIA

0930 AM

END OF FILE

ENTER=CNT F2=PRT CVR SHT F3=RTN F7=BKW F8=FRW F9=APL F10=RST F12=PRT CLR=EXIT
=> PRINT PAGES PAGE: 001 THRU 011 DESTINATION _____

CHICAGO POLICE DEPARTMENT

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

CPD-11. 420C (REV. 6/30)

FINAL APPROVAL

CB #: 16126768

IR #: 901905

YD #:

RD #: HL251205

EVENT #: 0508212469

SID #: 28420360

FBI #: 755126RA4

ARREST REPORTING

OFFENDER

Name: BAKER, Ben

Res: [REDACTED] # [REDACTED]

Chicago, IL 60653

[REDACTED] 9

DOB: [REDACTED] 1972

AGE: 32 years

POB: Illinois

ARMED WITH

Beat: 212

Male

Black

5' 09"

200 lbs

Brown Eyes

Black Hair

Short Hair Style

Medium Brown

Complexion



Marks: Scar Scar Under His Left Ear on Neck

INCIDENT

Arrest Date: 23 March 2005 15:49

TRR Completed? No

Total No Arrested: 1

Co-Arrests

Assoc Cases

Location: 527 E Browning Ave

Beat: 212

Chicago, IL 60653

122 - Cha Hallway/Stairwell/Elevator

Holding Facility: District 002 Male Lockup

Resisted Arrest? No

DCFS Ward ? No

Dependent Children? No

CHARGES

1 Offense As Cited 720 ILCS 570.0/402-A-1-A
PCS - POSSESS 15<100 GRAMS HEROIN
Class 1 - Type F

2 Offense As Cited 720 ILCS 570.0/402-A-2-A
PCS - POSSESS 15<100 GRAMS COCAINE
Class 1 - Type F

Victim

A/O'S State Of Illinois

A/O'S State Of Illinois

RECOVERED
NARCOTICS

Type	Approx. Weight/Quantity	Units	Estimated Street Value
Suspect Controlled Substance	70	GRAMS	\$12,600.00
Suspect Controlled Substance	22	GRAMS	\$1,650.00

IR #901905

WARRANT

NO WARRANT IDENTIFIED

CB #: 16126768

ARREST REPORTING

NON-OFFENDER(S)	VICTIM AND COMPLAINANT	
	Name: A/O'S STATE OF ILLINOIS	Injured? No Deceased? No Hospitalized? No Treated and Released? No
	DOB: Age: Comments:	
ARRESTEE VEHICLE	NO ARRESTEE VEHICLE INFORMATION ENTERED	
PROPERTIES	Confiscated Properties : All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.	
	PROPERTIES INFORMATION FOR [REDACTED] NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.	
INCIDENT NARRATIVE	(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)	
	EVENT #12469 IN SUMMARY A/O'S WHERE DIRECTED BY SGT.WATTS #2640 TO GO TO ABOVE BUILDING FOR HIGH NARCOTICS ACTIVITY. AS A/O'S REACHED THE THIRD FLOOR OF ABOVE BUILDING, THEY OBSERVED ABOVE SUBJECT HOLDING A CLEAR PLASTIC BAG CONTAINING SUSPECT NARCOTICS. AS A/O'S ANNOUNCED THEIR OFFICE ABOVE SUBJECT FLED ON FOOT DOWN THE STAIRS. A/O'S GAVE CHASE WITHOUT LOSING SIGHT OF ABOVE SUBJECT AND BT 264B APPREHENDED AND DETAINED ABOVE SUBJECT IN THE LOBBY. P.O. NICHOLS #12415 RECOVERED SAID BAG FROM HIS RIGHT HAND AND FOUND IT TO BE A CLEAR ZIPLOCK BAG CONTAINING 110 CLEAR PLASTIC BAGGIES CONTAINING WHITE POWDER SUBSTANCE SUSPECT HEROIN. THE SUBJECT WAS THEN PLACED IN CUSTODY. P.O. NICHOLS #12415 THEN PERFORMED A CUSTODIAL SEARCH OF ABOVE SUBJECT AND FOUND 1 ZIPLOC PLASTIC BAG CONTAINING 68 YELLOW TINTED BAGGIES CONTAINING WHITE LIKE ROCK SUBSTANCE SUSPECT CRACK/COCAINE IN HIS RIGHT FRONT PANTS POCKET. A/O'S FOUND \$819.00 USC IN HIS LEFT FRONT PANTS POCKET SUSPECT NARCOTICS PROCEEDS. POST MIRANDA IN 002 ABOVE SUBJECT STATED TO A/O'S "THEM BLOWS WERE MINE, BUT THEM ROCKS AINT." ALL THIS OCCURED ON C.H.A. PROPERTY AND WITHIN 1,000 FEET OF DOOLITTLE GRAMMAR SCHOOL. INVENTORIES WERE DONE BY P.O. LEANO #4303 NARCOTICS INVENTORY #10503356 U.S.C. INVENTORY #10503345	
COURT INFO	Desired Court Date: 13 April 2005 Branch: 48-2 155 W 51ST ST - Room Court Sgt Handle? No Initial Court Date: 24 March 2005 Branch: 1 2600 S CALIFORNIA - Room100 Docket #:	BOND INFO BOND INFORMATION NOT AVAILABLE

ARREST REPORTING

REPORTING PERSONNEL

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #12415 NICHOLS JR, D E 23 MAR 2005 17:52

ARRESTING OFFICER(S):

1st Arresting Officer: #12415 NICHOLS JR, D E Beat 0264C

2nd Arresting Officer: #4303 LEANO, M S 0264C

APPROVING SUPERVISOR:

Approval of Probable Cause : #609 STEVENS, M J 23 MAR 2005 18:06

ARREST PROCESSING REPORT

Holding Facility: District 002 Male Lockup
Received in Lockup: 23 March 2005 18:43
Prints Taken: 23 March 2005 19:45
Palmprints Taken:
Photograph Taken: 23 March 2005 19:42
Released from Lockup: 24 March 2005 09:34

Time Last Fed: 23 March 2005 18:44
Time Called: Phone#:
Cell #: 3/4
Transport Details : 2PO 0264C 23-MAR-2005 16:15

VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury? No
Is there obvious signs of infection? No
Under the influence of alcohol/drugs? No
Signs of alcohol/drug withdrawal? No
Appears to be despondent? No
Appears to be irrational? No
Carrying medication? No

ARRESTEE QUESTIONNAIRE

Presently taking medication? No
(if female)are you pregnant? No
First time ever been arrested? No
Attempted suicide/serious harm? No
Serious medical or mental problems? No
Are you receiving treatment? No

ARRESTEE PRESCRIPTION MEDICATION INFORMATION:

RETURN TO HOLDING FACILITY COMMENTS:

QUESTIONNAIRE REMARKS:

LOCKUP KEEPER COMMENTS:

EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

LOCKUP KEEPER PROCESSING

INTERVIEW LOG

NO INTERVIEWS LOGGED

ARREST PROCESSING REPORT

VISITOR LOG

NO VISITORS LOGGED

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

REL w/o CHARGING

DOES NOT APPLY TO THIS ARREST

PROCESSING PERSONNEL

ARRESTEE PROCESSING PERSONNEL:

			Beat
Searched By:	#9182	DUMAS, P D	
Lockup Keeper:	#9684	TUCKER, B R	
Assisting Arresting Officer:	#10719	CABRALES, M C	0264D
Assisting Arresting Officer:	#11737	SMITH JR, E J	0264D
Assisting Arresting Officer:	#12152	GONZALEZ, R R	0264B
Assisting Arresting Officer:	#15903	BOLTON, B J	0264B
Assisting Arresting Officer:	#19462	JONES, A	0264A
Fingerprinted By:	#9182	DUMAS, P D	

APPROVAL PERSONNEL:

			Beat
Final Approval of Charges :	#499	GLATZ, E L	23 MAR 2005 21:52

1. OFFENSE - PRIMARY CLASSIFICATION <input type="checkbox"/> 1 GAMBING <input checked="" type="checkbox"/> 2 NARCOTICS <input type="checkbox"/> 3 LIQUOR LAW VIOLATION <input type="checkbox"/> 4 PROSTITUTION <input type="checkbox"/> 5 OBSCENITY <input type="checkbox"/> 6 PUBLIC INDECENCY (LIC. PREMISE)		2. SECONDARY CLASSIFICATION Possess: Heroin (White)		1-UCR OFFENSE CODE 3. RD NO. 2101214 HL - 251205	
CHICAGO POLICE		ADDRESS OF OCCURRENCE (NO. - DIR. - STREET - APT. NO.) 527 E. Browning		5. DATE OF OCCURRENCE - TIME 23 MAR 05 1548	
6. DATE R.O. ARRIVED - TIME 23 MAR 05 1548		7. BEAT/UNIT ASSIGNED 264C		8. BEAT OCCURRED 212	
TYPE OF LOCATION/PREMISE WHERE OFFENSE OCCURRED <input type="checkbox"/> 107 TAVERN/LIQUOR STORE <input type="checkbox"/> 166 POOL ROOM <input type="checkbox"/> 193 DRUG STORE <input type="checkbox"/> 260 HOTEL/MOTEL <input type="checkbox"/> 095 AIRPORT/AIRCRAFT <input type="checkbox"/> 121 CHA APARTMENT <input checked="" type="checkbox"/> OTHER - SPECIFY & ENTER CODE <input type="checkbox"/> 293 RESTAURANT <input type="checkbox"/> 167 BARBER SHOP <input type="checkbox"/> 165 NEWSSTAND <input type="checkbox"/> 304 STREET <input type="checkbox"/> 123 CHA PARKING LOT/GROUNDS <input type="checkbox"/> 269 PARK PROPERTY C.H.A. Hallway					
11. BUSINESS LICENSE NO(S)		LOCATION CODE 1 2 12			
VICTIM'S/COMPLAINANT'S NAME (LAST - FIRST - M.I.) State of IL/P.O.D. Nichols					
13. HOME ADDRESS (NO. - DIR. - STREET - APT. NO.) 5101 S. Wentworth		14. SEX - RACE - AGE CODE		15. HOME PHONE 747-5407	
16. BUSINESS PHONE 747-5407		17. TIME AVAIL. Nights		RACE CODES 1 - BLACK 2 - WHITE 3 - BLACK-HISPANIC 4 - WHITE-HISPANIC 5 - AMER.IND./ALASK. NAT. 6 - ASIAN/PACIFIC ISLANDER	
PERSON <input type="checkbox"/> 1 DISCOVERED <input checked="" type="checkbox"/> 2 WITNESSED <input checked="" type="checkbox"/> 3 REPORTED OFFENSE		P.O. M. Leano			
OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED]		20. OFFENDER IN CUSTODY <input checked="" type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		21. NICKNAME/A.K.A.	
22. HOME ADDRESS [REDACTED]		23. SEX - RACE - AGE CODE M 11 32		HEIGHT 5'9"	
24. WEIGHT 207		EYES Brn		HAIR Blk	
25. COMPL. Med		DATE OF BIRTH [REDACTED]		25. I.R./C.B. NO.	
26. CHARGES 720ILCS570/402		27. COURT BRANCH - CALL 48-2		28. COURT DATE 13 APR 05	
29. INVENTORY NO. 10203342		30. WEIGHT 22.0 gr		31. E.S.V. \$12,600.00	
32. E.S.V. \$1,650.00		OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED]		20. OFFENDER IN CUSTODY <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO	
21. NICKNAME/A.K.A.		HOME ADDRESS		SEX - RACE - AGE CODE	
HEIGHT		WEIGHT		EYES	
HAIR		COMPL.		E.S.V.	
DATE OF BIRTH		I.R./C.B. NO.		CHARGES	
COURT BRANCH - CALL		COURT DATE		INVENTORY NO.	
WEIGHT		E.S.V.		OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) [REDACTED]	
20. OFFENDER IN CUSTODY <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		21. NICKNAME/A.K.A.		HOME ADDRESS	
SEX - RACE - AGE CODE		HEIGHT		WEIGHT	
EYES		HAIR		COMPL.	
E.S.V.		DATE OF BIRTH		I.R./C.B. NO.	
CHARGES		COURT BRANCH - CALL		COURT DATE	
INVENTORY NO.		WEIGHT		E.S.V.	
NO. OF OFFENDERS 01		33. NO. OF ARRESTEES 01		34. TYPE OF ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> WARRANT	
35. ADDRESS OF ARREST 527 E. Browning		VEHICLE YEAR MAKE BODY STYLE COLOR V.I.N. FOOT STATE LICENSE NO. STATE EXPIR. MO./YEAR			
OTHER VEHICLE IDENTIFIERS		36. VEHICLE CONFISCATED <input type="checkbox"/> 1 YES <input checked="" type="checkbox"/> 2 NO		39. MOTOR VEHICLE INVENTORY NO.	
NARRATIVE (Do not duplicate or repeat information - for explanation or additional information only) Event #12469 IN SUMMARY R/O'S WHERE DIRECTED BY SGT. WATTS #2640 TO GO TO ABOVE BUILDING FOR HIGH NARCOTICS ACTIVITY. AS R/O'S REACHED THE THIRD FLOOR OF ABOVE BUILDING, THEY OBSERVED ABOVE SUBJECT HOLDING A CLEAR PLASTIC BAG CONTAINING SUSPECT NARCOTICS. AS R/O'S ANNOUNCED THEIR OFFICE ABOVE SUBJECT FLED ON					
EXTRA COPIES REQUIRED (NO. & RECIPIENT) FORMAL (3)		CONTINUE OTHER SIDE <input checked="" type="checkbox"/>		44. NOTIFICATIONS, IF APPROPRIATE, MADE BY	
UNIT NOTIFIED		PERSON NOTIFIED		DATE (DAY - MO. - YEAR) - TIME	
REPORTING OFFICER'S NAME (PRINT) D. Nichols		STAR NO. 12415		46. REPORTING OFFICER'S NAME (PRINT) M. Leano	
STAR NO. 4303		47. DATE INVEST. COMPLETED - TIME 23 MAR 05 1750		48. SUPERVISOR APPROVING (PRINT NAME)	
49. DATE SUPV. APPROVAL - TIME		50. APPROVAL SIGNATURE		LOG#	

offense and distance from scene are the best approximation obtainable. All statements of victims, witnesses and offenders are summarizations unless otherwise indicated

HL

251205

CONTINUATION OF NARRATIVE

FOOT DOWN THE STAIRS. R/O'S GAVE CHASE WITHOUT LOSING SIGHT OF ABOVE SUBJECT AND BT. 264B APPREHENDED AND DETAINED ABOVE SUBJECT IN THE LOBBY. P.O. NICHOLS #12415 RECOVERED SAID BAG FROM HIS RIGHT HAND AND FOUND IT TO BE A CLEAR ZIPLOC BAG CONTAINING 110 CLEAR PLASTIC BAGGIES CONTAINING WHITE POWDER SUBSTANCE SUSPECT HEROIN. THE SUBJECT WAS THEN PLACED IN CUSTODY. P.O. NICHOLS #12415 THEN PERFORMED A CUSTODIAL SEARCH OF ABOVE SUBJECT AND FOUND 1 ZIPLOC PLASTIC BAG CONTAINING 68 YELLOW TINTED BAGGIES CONTAINING WHITE LIKE ROCK SUBSTANCE SUSPECT CRACK/COCAINE IN HIS RIGHT FRONT PANTS POCKET. A/O'S FOUND \$819.00 USC IN HIS LEFT FRONT PANTS POCKET SUSPECT NARCOTICS PROCEEDS. POST MIRANDA IN 002 ABOVE SUBJECT STATED TO R/O'S "THEM BLOWS WERE MINE, BUT THEM ROCKS AINT." ALL THIS OCCURED ON C.H.A. PROPERTY AND WITHIN 1,000 FEET OF DOOLITTLE GRAMMAR SCHOOL.

INVENTORIES WERE DONE BY P.O. LEANO #4303 NARCOTICS INVENTORY #10503356 USC INVENTORY #10503345

ASSISSTING ARRESTING OFFICERS: P.O JONES #19462

P.O BOLTON #15903

P.O GONZALEZ #12152

P.O SMITH #11737

P.O. CABRALES #10719

I HAVE READ THIS REPORT
AND BY MY SIGNATURE INDICATE
THAT IT IS ACCEPTABLE

SUPERVISOR'S SIGNATURE

DATE (DAY-MO-YR.)

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

STATUS		<input type="checkbox"/> 0 PROGRESS		<input type="checkbox"/> 1 SUSPENDED	<input type="checkbox"/> 2 UNFOUNDED	IF CASE IS CLEARED, HOW CLEARED (USE THIS BOX FOR SINGLE CLEARUP OR FIRST CLEARUP OF MULTIPLE CLEARUP LIST)				<input type="checkbox"/> 5 OTHER EXCEPTIONAL	<input type="checkbox"/> ADULT
<input type="checkbox"/> 3 CLRD. CLOSED	<input type="checkbox"/> 4 CLRD. OPEN	<input type="checkbox"/> 5 EXC. CLRD. CLOSED	<input type="checkbox"/> 6 EXC. CLRD. OPEN	<input type="checkbox"/> 7 CLOSED - NON-CRIMINAL	<input type="checkbox"/> 1 ARREST & PROSECUTION	<input type="checkbox"/> 2 DIRECTED TO FAMILY COURT	<input type="checkbox"/> 3 COMPL. REFUSED TO PROSECUTE	<input type="checkbox"/> 4 COMMUNITY ADJUSTMENT		<input type="checkbox"/> JUV.	
UCR OFFENSE CODE		REV. CODE		REMARKS (PERTINENT INFORMATION NOT ON ORIGINAL REPORT)							
<input type="checkbox"/> 1 CORRECT											
<input type="checkbox"/> 2 REVISED											

PREPARED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

APPROVED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

009964

CHICAGO POLICE DEPARTMENT
ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.388(6/03)-C

RD #: **HL251205**

Case ID: 3980517 casr201

EVENT #: **0508212469**

This Document is not an official copy. It is a computerized version of data entered from an original case report. A copy of the original case report can be obtained from the Records Division

INCIDENT	ASSIGNED TO ADMINISTRATIVE PERSONNEL		
	IUCR: 2024 - Narcotics - Poss: Heroin(White)		
	Occurrence Location: 527 E Browning Ave Chicago IL 60653 122 - Cha Hallway/Stairwell/Elevator	Beat: 0212	Unit Assigned: 0264C RO Arrival Date: 23 March 2005 15:48
	Occurrence Date: 23 March 2005 15:48	Gang Related Incident # Offenders: 1	

NON-OFFENDER(S)	VICTIM		
	Name: DISTRICT 002		
	Res: 527 E Browning Ave Chicago IL 60653	Beat: 0212	
	CPD Officer: No		
NON-OFFENDER(S)	PERSON REPORTING OFFENSE		
	Name: DISTRICT 002		
	Res: 527 E Browning Ave Chicago IL 60653	Beat: 0212	
	CPD Officer: No		

SUSPECT(S)	Suspect # 1		In Custody	
	Name: [REDACTED]		Demographics	
	Res: [REDACTED] Chicago ILLINOIS 60653	Beat: 0212	Male Black 5'09, 207 lbs , Brown Eyes Black Hair Medium Complexion	DOB: [REDACTED] 1972 Age: 32 years

LOG# 1087744

Attachment 30

RD #: HL251205

NARCOTICS	Narcotics #1		Possessor/User:	
	Type: Heroin/White		Taken/Stolen? No	
	Weight: 70 Grams		Recovered? Yes	
	Street Value: 10500	Owner: [REDACTED]		
	Inventory #: 10503345			
NARCOTICS	Narcotics #2		Possessor/User:	
	Type: Cocaine/Crack		Taken/Stolen? No	
	Weight: 22 Grams		Recovered? Yes	
	Street Value: 2706	Owner: [REDACTED]		
	Inventory #: 10503345			

OTHER PROPERTIES	Property #1		
	Estimated Value: \$819.00		Used as Weapon? No
	Inventory #: 10503356		Taken/Stolen? No
	Description: Use \$819.00	Owner: [REDACTED]	Recovered? Yes

PERSONNEL		Star No	Emp No	Name	User	Date	Unit	Beat
	Reporting Officer	12415	# [REDACTED]	NICHOLS JR, Douglas, ([REDACTED]) E	[REDACTED]	09 May 2005 08:41	002	0212

PROPERTY INVENTORY - NO.
CHICAGO POLICE DEPARTMENT
CPD-34.523 (REV. 10/09)

INV NO 10503356

PKG NO. 498274



UNIT
002

INVENTORY NO.
10503356

WARRANT NO.

DATE RECOVERED

23-MAR-2005



RD HL251205

RE-INVENTORY OF:

ITEM ID QUANTITY

DESCRIPTION OF PROPERTY

904976 1 NARCOTIC / DRUG : ONE LARGE ZIPLOCK BAGGY CONTAINING ONE HUNDRED TEN SMALLER ZIPLOCK BAGGIES ALL CONTAINING WHITE POWDER SUSPECT HEROIN.

904977 1 NARCOTIC / DRUG : ONE LARGE ZIPLOCK BAG CONTAINING SIXTY EIGHT SMALLER ZIPLOCK BAGGIES ALL CONTAINING WHITE ROCK SUSPECT CRACK COCAINE.

MY SIGNATURE HEREON ACKNOWLEDGES
RECEIVING ALL PROPERTY DESCRIBED
IN THIS INVENTORY

RECIPIENTS SIGNATURE
X

ADDRESS - STREET

CITY STATE ZIP

COMMENTS: VICE CASE REPORT

\$ DEPOSITED AMT

\$ INVENTORY AMT

DATE RECEIVED

OFFICER'S SIGNATURE - STAR - UNIT
X

WATCH COMDR.'S APPROVAL SIGNATURE
(EXEMPT RANK REQUIRED FOR FIREARMS)
X

COURT ORDER - DISPOSAL INSTRUCTIONS

Court Date 13-APR-2005

Court Branch 48-2

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

CURRENCY:

IUCR: 2024 NARCOTICS POSS: HEROIN(WHITE)

CHARGE TYPE: FELONY

STATE CHARGES: 720 ILCS 570.0/402-A-1

INCHOATE: OFFENSE AS CITED

RECOVERED/SEIZED FROM - NAME

AT 527 E BROWNING AVE
CHICAGO, IL

BEAT OF RECOVERY
212

☐ DECEASED ☒ ARRESTED

OWNER'S NAME

ADDRESS

CHICAGO, IL

TELEPHONE NO.

JUDGE

CT.BR.

FOUND BY - NAME

NICHOLS JR, DOUGLAS Star: 12415

ADDRESS

TELEPHONE NO.

OFFICER'S SIGNATURE - STAR UNIT

☒ CHECK IF
C.P.D.

X

SEE COPY 4 FOR NOTICE TO FINDER

☒ HOLD FOR INVESTIGATION
AND/OR EVIDENCE
(IF NOT NEEDED FOR INVESTIGATION/EVIDENCE, LEAVE BLANK)

INVESTIGATING OFFICER -
NICHOLS JR, DOUGLAS

STAR NO.
12415

UNIT
002

1st OFFICER'S NAME
NICHOLS JR, DOUGLAS

STAR NO.
12415

☐ PROPERTY AVAILABLE FOR RETURN TO
OWNER

SIGNATURE
Electronic Approval

UNIT
002

☐ TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

2nd OFFICER'S NAME
LEANO, MANUEL

STAR NO.
4303

INITIAL DESTINATION OF PROPERTY:
FORENSIC SERVICES DIVISION

SIGNATURE
Electronic Approval

UNIT
002

VIA ☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL
☐ E & RPS PICKUP ☐ EVID./LAB TECHNICIAN

APPROVING DESK SERGEANT
WATTS, RONALD

STAR NO.
2640

DATE
23-MAR-2005

TIME
17:33

E. & R.P.S. USE ONLY

LOG# 1087744

Attachment 31

INVENTORY NO

10503356

MY SIGNATURE ACKNOWLEDGES THAT I HAVE
RECEIVED ALL PROPERTY DESCRIBED ON THE
APPLICABLE LINES OF THIS INVENTORY AS
SHOWN AT RIGHT.

LINE	OWNER'S SIGNATURE	OWNER'S ADDRESS	DATE RECEIVED	OFFICER MAKING TURN-OVER SIGNATURE & STAR NO.	WATCH COMMANDER'S APPROVAL
904976					
904977					

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

DATE	E. & R.P.S. OFFICER'S SIGNATURE CONFIRMATION	OFFICER'S SIGNATURE ATTESTS RECEIVING OR RETURNING ALL LISTED PROPERTY	STAR NO.	UNIT	CONTINUANCE DATE & REMARKS	INDICTMENT OR DOCKET NO.
	OUT					
	IN					
	OUT					
	IN					

IDENTIFICATION VERIFICATION	VALID DRIVERS LICENSE NO.	STATE	CITY FIREARM'S REGISTRATION NO.	ILLINOIS FIREARM OWNERS I.D. NO.
	OTHER IDENTIFICATION (SPECIFY)		CLAIMANT'S SIGNATURE	
			E. & R.P.S. OFFICER'S SIGNATURE - STAR NO.	

PROPERTY INVENTORY - NO.
CHICAGO POLICE DEPARTMENT
CPD-34.523 (REV. 10/09)

INV NO 10503345

PKG
NO.



UNIT
002

INVENTORY NO.

10503345

WARRANT NO.

DATE RECOVERED

23-MAR-2005



RD HL251205

RE-INVENTORY OF:

ITEM ID QUANTITY

DESCRIPTION OF PROPERTY

904957 1 MONEY (USC) : ONE BUNDLE USC \$819.00

MY SIGNATURE HEREON ACKNOWLEDGES
RECEIVING ALL PROPERTY DESCRIBED
IN THIS INVENTORY

RECIPIENTS SIGNATURE
X

ADDRESS - STREET

CITY STATE ZIP

COMMENTS: VICE CASE REPORT

\$ DEPOSITED AMT

\$ INVENTORY AMT
819.00

DATE RECEIVED

OFFICER'S SIGNATURE - STAR - UNIT
X

WATCH COMDR.'S APPROVAL SIGNATURE
(EXEMPT RANK REQUIRED FOR FIREARMS)
X

COURT ORDER - DISPOSAL INSTRUCTIONS

Court Date 13-APR-2005

Court Branch 48-2

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

CURRENCY: NARCOTICS SEIZURE TO BE DEPOSITED

IUCR: 2024 NARCOTICS POSS: HEROIN(WHITE)

CHARGE TYPE: FELONY

STATE CHARGES: 720 ILCS 570.0/402-A-1

INCHOATE: OFFENSE AS CITED

RECOVERED/SEIZED FROM - NAME
☐ DECEASED ☒ ARRESTED

AT 527 E BROWNING AVE
CHICAGO, IL

BEAT OF RECOVERY
212

OWNER'S NAME

ADDRESS

CHICAGO, IL

TELEPHONE NO.

JUDGE

CT.BR.

FOUND BY - NAME NICHOLS JR, DOUGLAS Star: 12415

ADDRESS

TELEPHONE NO.

OFFICER'S SIGNATURE - STAR UNIT
X

SEE COPY 4 FOR NOTICE TO FINDER

☒ HOLD FOR INVESTIGATION
AND/OR EVIDENCE
(IF NOT NEEDED FOR INVESTGATION/EVIDENCE, LEAVE BLANK)

INVESTIGATING OFFICER -
NICHOLS JR, DOUGLAS

STAR NO.
12415

UNIT
002

1st OFFICER'S NAME
NICHOLS JR, DOUGLAS

STAR NO.
12415

☐ PROPERTY AVAILABLE FOR RETURN TO
OWNER

SIGNATURE
Electronic Approval

UNIT
002

☐ TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

2nd OFFICER'S NAME
LEANO, MANUEL

STAR NO.
4303

INITIAL DESTINATION OF PROPERTY:
ERPS

SIGNATURE
Electronic Approval

UNIT
002

VIA ☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL
☐ E & RPS PICKUP ☐ EVID./LAB TECHNICIAN

APPROVING DESK SERGEANT
WATTS, RONALD

STAR NO.
2640

DATE
23-MAR-2005

TIME
17:34

E & R.P.S USE ONLY

Created by: [REDACTED]

COPY 1 - KEEP WITH PROPERTY

Printed by: [REDACTED] 27-DEC-2017 14:50

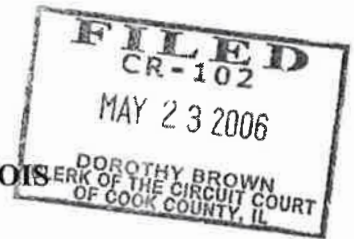
MY SIGNATURE ACKNOWLEDGES THAT I HAVE RECEIVED ALL PROPERTY DESCRIBED ON THE APPLICABLE LINES OF THIS INVENTORY AS SHOWN AT RIGHT.

LINE	OWNER'S SIGNATURE	OWNER'S ADDRESS	DATE RECEIVED	OFFICER MAKING TURN-OVER SIGNATURE & STAR NO.	WATCH COMMANDER'S APPROVAL
904957					

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY							
DATE	E. & R.P.S. OFFICER'S SIGNATURE CONFIRMATION		OFFICER'S SIGNATURE ATTESTS RECEIVING OR RETURNING ALL LISTED PROPERTY	STAR NO.	UNIT	CONTINUANCE DATE & REMARKS	INDICTMENT OR DOCKET NO.
	OUT						
	IN						
	OUT						
	IN						
IDENTIFICATION VERIFICATION	VALID DRIVERS LICENSE NO.		STATE	CITY FIREARMS REGISTRATION NO.		ILLINOIS FIREARM OWNERS I.D. NO.	
	OTHER IDENTIFICATION (SPECIFY)			CLAIMANT'S SIGNATURE			
				E. & R.P.S. OFFICER'S SIGNATURE - STAR NO.			

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION



PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

v.)

Case No. 05 CR 8982

Defendant.)

ANSWER TO PEOPLE'S MOTION FOR PRE-TRIAL DISCOVERY

NOW COMES, the defendant, [REDACTED] by and through his attorney, MATTHEW

L. MAHONEY, and in answer to the People's motion states as follows:

1. Defendant denies each and every allegation set forth in the indictment and will rely upon the State's inability to prove him guilty beyond a reasonable doubt.
2. Defendant may or may not testify. The defendant may call any witnesses whose names appear in Chicago Police Department Internal Affairs and ~~DEA~~ ATF Case Reports tendered to both sides in open court, State's List of Witnesses, Grand Jury Testimony and Preliminary Hearing, or which appear on the State's Answer to Discovery.

A. [REDACTED]
[REDACTED]
Chicago, Illinois 60653

B. [REDACTED]
[REDACTED]
Chicago, Illinois 60653

C. Chicago Police Department Officer Watts, Star No. 2640
Beat 264
3510 S. Michigan Avenue
Chicago, IL 60653

LOG# 1087744

Attachment 32

- D. Chicago Police Department Officer Jones, Star No. 19462
Beat 264
3510 S. Michigan Avenue
Chicago, IL 60653
- E. Chicago Police Department Officer Mohammed, Star No. 14122
Beat 264
3510 S. Michigan Avenue
Chicago, IL 60653
- F. Calvin Holliday
Internal Affairs- Chicago Police Department
3510 S. Michigan Avenue
Chicago, IL 60653

Investigation continues

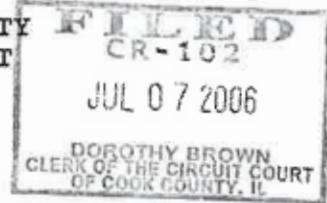
3. None at this time.
4. None at this time
5. Will comply.

Respectfully submitted,

[Redacted Signature]

Matthew L. Mahoney
Attorney for Defendant
820 W. Jackson Boulevard, Suite 300
Chicago, IL 60607
312-669-1700

CIRCUIT COURT OF COOK COUNTY
ADULT PROBATION DEPARTMENT
INVESTIGATIVE REPORT



DATE ORDERED: June 9, 2006

DATE DUE: July 7, 2006

DEFENDANT: [REDACTED]

A/K/A: See Other Pertinent
Information

ADDRESS: [REDACTED]
Chicago, Illinois 60653

TELEPHONE: [REDACTED]

VERIFICATION: None

PRETRIAL:

PRESENTENCE:

JUDGE: Michael P. Toomin

LOCATION: 2600 S. California Ave
Chicago, Illinois 6060

ASST. STATE ATTY: Assigned

DEFENSE ATTY: Matt Mahoney

INVESTIGATING P.O. T. Lance-Gordo

DATE OF BIRTH: [REDACTED] 1972

PLACE OF BIRTH: Chicago, Illinois

SEX/RACE: Male/Black

HGHT/WGHT: 5'08/226 Lbs.

EYES/HAIR: Brown/Black

U.S. CITIZEN: Yes

DATE ENTERED U.S.A.:

ALIEN REGISTRATION #:

I.R. #: 901905

C.B. #: 16126728

I.S.B. #: 28420360

F.B.I. #: 755126RA4

S.S. #: [REDACTED]

D.L. #:

<u>CASE NUMBERS</u>	<u>CHARGE</u>	<u>ARREST DATE</u>
05CR898201	Manufacture/Delivery 15<100 Grams Heroin Manufacture/Delivery Cocaine/School/Public High Manufacture/Delivery 01-15 Grams Cocaine	03-23-2005

CUSTODY STATUS: JAIL - INMATE #2006 - 0043429 DIVISION #10

LOG# 1087744

Attachment 33

BACKGROUND

PRIOR CRIMINAL INVOLVEMENT (CHECK ALL THAT APPLY)

JUVENILE

ADULT

 PROBATION
 INCARCERATION

 MISDEMEANOR
 FELONY

 PROBATION
 INCARCERATION
 PAROLE

EMPLOYMENT STATUS: Unemployed

INCOME: Not Applicable

SOURCE: Not Applicable

EDUCATION, HIGHEST LEVEL: GED

MILITARY: No

BRANCH: Not Applicable

DISCHARGE: Not Applicable

CURRENT MARITAL STATUS: Married

NUMBER OF CHILDREN: Five

SUPPORT PAYMENTS: None

SUBSTANCE USE:

ALCOHOL: No

CHEMICAL: No

PSYCHOLOGICAL INFORMATION: No

PHYSIOLOGICAL INFORMATION: No

GANG INVOLVEMENT: Gangster Disciple

VICTIM IMPACT STATEMENT:

OTHER PERTINENT INFORMATION:

HISTORY OF CONVICTIONS

JUVENILE:

Case #/Charge

Disposition and Date

The Defendant stated that he does not have any juvenile adjudications of delinquency. A computer search of the Defendant's Name [REDACTED] and Date of Birth, [REDACTED], 1972 on the Cook County Juvenile Computer System reflected no records found.

ADULT

Case #/Charge

Disposition and Date

93CR2708901
Unlawful Use Weapon by
Felon

On September 16, 1994, the Defendant was sentenced to two years Illinois Department of Corrections, Judge Loretta C. Douglas.

93CR2839701
Attempt Murder

On September 16, 1994, the Defendant was sentenced to six years Illinois Department of Corrections to run concurrent with 93CR2708901, Judge Loretta C. Douglas.

89CR2444901
Manufacture/Delivery Control
Substance

On June 4, 1990, the Defendant was sentenced to eighteen months Probation, Judge John J. Madden. On December 3, 1991 Probation Terminated Satisfactory, Judge John K. Madden.

89CR2484001
Possess Control Substance

On November 28, 1989, the Defendant was sentenced to thirteen months Probation, Judge John K. Madden. On December 28, 1990 Probation Terminated Satisfactory, Judge John K. Madden.

PENDING CASE/BFW'S

<u>Case #/Charge</u>	<u>LOCATION AND NEXT COURT DATE</u>
06CR0081001 Manufacture/Delivery Heroin School/Public High (2 Counts) Manufacture/Delivery 1-14 Grams Heroin/Analog	July 7, 2006 Judge Michael P. Toomin
05CR2558001 Felon Possession/Use Firearm Prior	July 7, 2006 Judge Michael P. Toomin

OFFICIAL VERSION OF THE OFFENSE:

On or about March 23, 2005, the Defendant was arrested by Officer Nicholas Jr., District 002 Chicago Police Department for the charge of Possess 15<100 Grams Heroin and Possess 15<100 Grams Cocaine. The Defendant was Indicted on April 13, 2005 and charged with the Offenses of Manufacture/Delivery 15<100 Grams, Manufacture/Delivery Cocaine/School/Public High (2 Counts), and Manufacture/Delivery 01-15 Grams Cocaine under Indictment Number 05CR0898201. On June 9, 2006 the Defendant was Found Guilty of the Offenses Manufacture/Delivery 15<100 Grams Heroin, Manufacture/Delivery Cocaine/School/Public High and Manufacture/Delivery 01-15 Grams Cocaine. A Pre Sentence Investigation was ordered due in court on July 7, 2006 before Judge Michael P. Toomin.

DEFENDANT'S VERSION OF THE OFFENSE:

The Defendant declined to comment on his Version of the Offense.

SOCIAL HISTORY:

Natural Father: [REDACTED]
Natural Mother: [REDACTED]
[REDACTED]
Chicago, Illinois
Maternal Sibling: [REDACTED] and [REDACTED]

The Defendant was born on May 24, 1972 in Chicago, Illinois to the relationship of [REDACTED] and [REDACTED]. He is the only child born to his parent's relationship. The Defendant was reared by his mother on the South Side of the City. The Defendant described his childhood as "good" despite having absentee father. He stated that he grew up with a loving and supportive family.

SOCIAL HISTORY (CONTINUED):

He has never experience any abuse, neglect or involvement with the Department of Children and Family Services. There was never any runaway situations. He stated that his mother and sister are "recovering drug addicts." He stated that his mother has been incarcerated and his sister, [REDACTED] has been on Probation.

Prior to incarceration the Defendant was residing with his wife, [REDACTED] and sons, [REDACTED] and [REDACTED]

This Investigator attempted to conduct a telephone interview with [REDACTED] the Defendant's mother at the telephone number given by the Defendant [REDACTED] to verify the above social history.

MARITAL STATUS:

The Defendant is currently married to [REDACTED] He stated that his marriage took place at City Hall in Chicago, Illinois on March 24, 2006. The Defendant has five biological children [REDACTED] age seventeen, who reside with her mother [REDACTED] in Chicago Heights, Illinois, [REDACTED] Jr, age fourteen, [REDACTED] age twelve, [REDACTED] age eleven, who is physically challenge resides in a rehabilitation center on the North Side of Chicago and [REDACTED] age eleven, who resides with [REDACTED]

The Defendant describes his marriage and relationship with his children as good.

EDUCATION:

The Defendant attended Dolittle West Elementary School located in Chicago, Illinois from kindergarten through fourth grade. He attended Dolittle East Elementary School located in Chicago, Illinois from fifth grade through eighth grade, he graduated in 1987.

The Defendant attended Bayview High School located in Milwaukee, Wisconsin from 1987 - 1989, he did not graduate due to money back to Chicago, Illinois and his high school would not release his school transcripts. The Defendant stated that he was a B and C average student. He further stated that he plans to obtain his GED.

EMPLOYMENT:

No employment history.

HEALTH HISTORY:

PHYSICAL:

The Defendant does not suffer from any physical ailments. He is not under the care of a physician or taking prescribed medications. He was never treated for any serious injuries or communicable diseases.

PSYCHOLOGICAL:

The Defendant was never diagnosed with having a psychological, behavioral or learning disorder. He was never prescribed any psychotropic medications. He has never experienced any suicidal ideations.

ALCOHOL/DRUG USAGE:

The Defendant first tried alcohol at the age of twenty-two, he last consumed alcohol on June 7, 2006. He stated that he would drink twice a week and limited his drinking to three cups of alcohol. He denied the existence of alcohol abuse. He never underwent past or present treatment for alcohol abuse.

The Defendant admitted to usage of marijuana everyday from age twenty-one to present age. He no longer smokes marijuana due to being incarcerated. He denied ever recovery a drug evaluation. He never underwent past or present treatment for substance abuse.

COMPANIONS AND COMMUNITY INVOLVEMENT:

The Defendant admitted to membership to the street gang Gangster Disciples from 1989 to present primary areas Ida B. Wells Housing Complex. He stated that he has friends in other gangs which include Stones, Black Disciples and Vice Lords. The Defendant stated that he does not have any tattoos note there was none visible to this Investigation.

The Defendant stated he enjoys playing cards, playing video games and spending time with his family.

MILITARY:

The Defendant does not have any military experience.

ECONOMIC STATUS:

The Defendant denied having any income, assets, monthly expense or financial obligations. He has never declared bankruptcy.

SUMMARY:

The Defendant was born in Chicago, Illinois where he was reared by his mother on the South Side of the City. He is married and has five biological children. He did not graduate from High School. The Defendant does not have a history of employment. He admitted to past usage of alcohol and illicit drugs. The Defendant does not suffer from physician ailments. He was never treated for any psychological disorders. The Defendant admitted to membership with the street gang Gangster Disciples. He does not have any military experience.

SOURCES OF INFORMATION:

1. The Chicago, State of Illinois and FBI Arrest Records;
2. The Cook County Juvenile Computer System;
3. An Interview with the Defendant.

Adult Probation Department
Probation Officer
Twanna Lance-Gordon
/clw

Transcript of Record



05CR008982/A002

Appeal
to

Court of Illinois
District

FIRST

Circuit Court No. 05 CR 8982

Trial Judge MICHAEL TOOMIN

Reviewing Court No. 06-3352

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

FILED APPELLATE COURT

08 NOV -7 4 11:02

CLERK OF COURT

from
CIRCUIT COURT
of

COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

LOG#

Attachment

ONE OF TWO VOLUMES
REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

Per

DB/PR

Deputy

(Rev. 1/17/01) CCCR 0310

LOG# 1087744

Attachment 34

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)

7 Plaintiff,)

Case No. 05 CR 8982-01

8 -vs-)

Charge: Mfg/De1

9 Defendant.)

10 ARRAIGNMENT

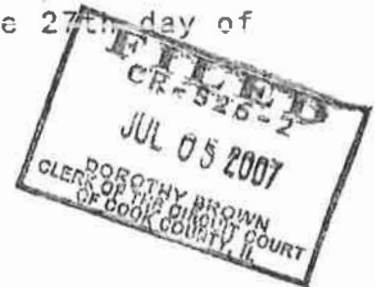
11 RECORD OF PROCEEDINGS had before the
12 Honorable JOHN P. KIRBY, heard on the 27th day of
13 April, A.D., 2005.

14
15 APPEARANCES:

16 HON. RICHARD A. DEVINE,
17 State's Attorney of Cook County, by
18 MS. AIDAN O'CONNOR
Assistant State's Attorney,
appeared on behalf of the People;

19 MR. MATTHEW MAHONEY
20 appeared on behalf of the Defendant.

21
22 Nancy Muscolino, RPR/CSR No. 084-001532
23 Official Court Reporter
24 2650 S. California
Chicago, Illinois 60608
773-869-6065



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05 CR 8982-01

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DATE: June 30, 2005

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I N D E X

DATE: 9-28-05

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I N D E X

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Continuance.

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NO: 05 CR 8982

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3 Pages: N-1 through N-7
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Continuance

3

Reporter: Charles T. Coleman
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PEOPLE vs. [REDACTED]
05 CR 8982-01

Date: 3-27-06

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1 Reporter: Barbara A. Evans
2 Date of Hearing: 4-28-06
3 Pages: T-1 through T-5
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1 I N D E X

2 DATE: July 28,2006

3 PAGES: Y1 through Y12

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Y2

1 THE CLERK: [REDACTED] sheet eight,
2 arraignment.

3 (Defendant present.)

4 THE COURT: Mr. [REDACTED]

5 THE DEFENDANT: Yes.

6 THE COURT: Sir, you're charged here with the
7 felony offenses of possession of a controlled
8 substance with intent to deliver, 15 grams or more,
9 but less than 100 grams of heroin, Class X felony;
10 possession of a controlled substance with intent to
11 deliver, heroin, on C.H.A. property; possession of a
12 controlled substance with intent to deliver within a
13 thousand feet of Doolittle Grammar School; and
14 possession of a controlled substance with intent to
15 deliver.

16 Sir, do you have an attorney to
17 represent you in this matter?

18 THE DEFENDANT: Yes.

19 THE COURT: Where is he?

20 THE DEFENDANT: He's not here yet.

21 THE COURT: What's his name?

22 THE DEFENDANT: Matt Mahoney.

23 THE COURT: Is he coming today?

24 THE DEFENDANT: Yes.

1 THE COURT: All right. Then we'll pass it.

2

3 (Whereupon the case was passed)

4

* * * * *

5

6 THE COURT: [REDACTED]

7

(Defendant present.)

8

MR. MAHONEY: Good morning, your Honor.

9

Matthew Mahoney on behalf of Defendant [REDACTED] who

10

is present on bond. Judge, this matter is here for

11

arraign.

12

THE COURT: Leave to file your appearance is

13

granted. Mr. [REDACTED] you're charged here with

14

possession of a controlled substance with intent to

15

deliver, 15 grams or more, but less than 100 grams of

16

heroin; possession of a controlled substance with

17

intent to deliver, 1 gram or more, but less than 15,

18

cocaine, within a thousand feet of Ida B. Wells;

19

possession of a controlled substance with intent to

20

deliver, cocaine, more than 1 grams, but less than 15,

21

within a thousand feet of Doolittle Grammar School;

22

possession of a controlled substance with intent to

23

deliver.

24

I'm going to tender a copy of the

1 complaint to your attorney at this time.

2 MR. MAHONEY: Judge, I acknowledge receipt,
3 waive formal reading, enter a plea of not guilty.

4 MS. O'CONNOR: We're asking leave to file
5 motion for and an answer. I've tendered discovery and
6 an offer and a transcript. This defendant does have a
7 violation of probation pending in Judge Toomin's
8 courtroom.

9 MR. MAHONEY: He's currently out on bond on
10 that violation, Judge.

11 Judge, I acknowledge receipt of the
12 materials stated by the State. I have some subpoenas
13 out, if we could give this a status date sometime in
14 May.

15 THE COURT: By agreement, what date?

16 MR. MAHONEY: May 24th, your Honor.

17 THE COURT: Not that week. 5-31?

18 MR. MAHONEY: That's fine, your Honor.

19 THE COURT: By agreement, 5-31-05, for defense
20 to complete discovery.

21 MR. MAHONEY: Thank you, Judge. By agreement.

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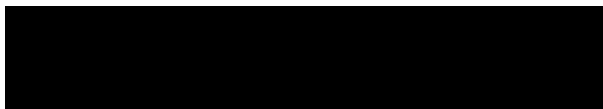
(Case continued to 5-31-05.)

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STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, NANCY MUSCOLINO, CSR/RPR, an
Official Court Reporter of the Circuit Court of Cook
County, County Department-Criminal Division, do hereby
certify that I reported in shorthand the proceedings
had in the above-entitled cause, that I thereafter
caused the foregoing to be transcribed into
typewriting, which I hereby certify to be a true and
accurate transcript of the proceedings had before the
Honorable JOHN P. KIRBY, Judge of said Court.



Official Court Reporter of the
Circuit Court of Cook County
CSR #084-001532

1 STATE OF ILLINOIS)
2 COUNTY OF COOK)

3 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
4 COOK COUNTY, ILLINOIS

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7) Indictment
8 Plaintiff,) No.
9) 05 CR 8982
10 vs.)
11) Charge:
12) Mfg/Del.
13) Heroin
14 Defendant.)

15 REPORT OF PROCEEDINGS

16 REPORT OF PROCEEDINGS of the case before the
17 Honorable JOHN P. KIRBY, Judge of said Court, on the
18 31st day of May, A.D. 2005.

19 APPEARANCES:

20 HONORABLE RICHARD A. DEVINE,
21 State's Attorney of Cook County, by
22 MS. AIDAN O'CONNOR,
23 Assistant State's Attorney,
24 for the People of the State of Illinois;

MR. MATTHEW MAHONEY,
for the Defendant.

Elaine M. Besbekos, CSR
Official Court Reporter
2650 South California
Chicago, Illinois 60608
Lic. No. 084-002574

1 THE CLERK: [REDACTED] Sheet No. 11. In custody.

2 MR. MAHONEY: Good morning, your Honor.

3 Matt Mahoney for the Defendant [REDACTED]

4 THE COURT: All right. This will be Order of Court,
5 transferred instanter to Judge Toomin.

6 MR. MAHONEY: Thank you, your Honor.

7

8 (WHEREUPON, the above-entitled cause
9 was transferred instanter to
10 Judge Michael Toomin herein.)

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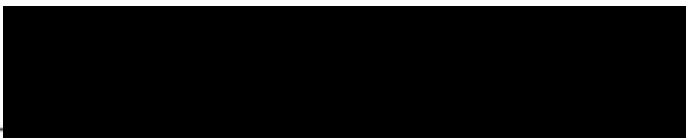
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STATE OF ILLINOIS)
)
COUNTY OF C O O K)

I, Elaine M. Besbekos, an Official Court Reporter of the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before said Honorable Judge of said Court herein.


Elaine M. Besbekos, CSR
Official Court Reporter
License No. 084-002574

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
7 vs.) 05 CR 8982
8 )

9 REPORT OF PROCEEDINGS

10 BE IT REMEMBERED that on the 28th day of
11 June, 2005, this cause came on for hearing
12 before the Honorable MICHAEL P. TOOMIN, Judge of
13 said Court, upon the indictment herein, the
14 Defendant having entered a plea of not guilty.

15
16 APPEARANCES:

17 HON. RICHARD A. DEVINE, State's
18 Attorney of Cook County, BY:
19 MR. JOHN BRASSIL,
Assistant State's Attorney,
on behalf of the People;

20 MR. MATTHEW MAHONEY,
21 on behalf of the Defendant.

22
23 ROBERT J. MADDOCH
24 Official Court Reporter
Circuit Court of Cook County
County Department - Criminal Division
C.S.R. 84-1194

1 THE CLERK: [REDACTED]
2 MR. BRASSIL: Judge, Mr. [REDACTED] new case
3 is 05 CR 8982.
4 THE COURT: I will add that on sheet one,
5 same name.
6 THE PROBATION OFFICER: Judge, we ask leave
7 to file supplemental petition for violation of
8 probation in that Mr. [REDACTED] has failed to comply
9 with his daily curfew on May 21st at 1:05 a.m. He
10 is in level one of the program. And he is required
11 to adhere to 7:00 p.m. to 7 a.m. curfew.
12 MR. BRASSIL: Mr. Maloney called yesterday
13 morning. It would be difficult for him to be
14 here at 10:30. He would ask that we set the court
15 date July 28th by agreement.
16 THE COURT: This guy is continuing to violate
17 his probation. I don't know if I want to do that.
18 How many has he had since he was put on this type
19 of probation? This is a supplemental.
20 THE PROBATION OFFICER: This is supplemental,
21 yes. The last petition that I'm showing was filed
22 on March 2nd.
23 THE COURT: March 2nd?
24 THE PROBATION OFFICER: Yes.

1 THE COURT: What's the problem with your
2 curfew, Mr. [REDACTED]

3 THE DEFENDANT: My lawyer got hold of the
4 State's Attorney.

5 THE COURT: Your lawyer has something going?

6 THE DEFENDANT: Yeah, what they got me doing.
7 I think we should wait for my lawyer so he could
8 say it.

9 THE COURT: Do you know anything about that?

10 THE DEFENDANT: Not him. He is over in the
11 tall building.

12 THE COURT: Have him here on Friday.

13 MR. BRASSIL: I will call and inform him,
14 your Honor.

15 THE COURT: July 1st, motion defendant.

16 (Whereupon the above
17 entitled cause was
18 passed, after which the
19 following proceedings
20 were had:)

21 THE CLERK: [REDACTED]

22 MR. MALONEY: Your Honor, Matthew Maloney on
23 behalf of the defendant. My client has left the
24 building. I was informed the case has been given

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a date of July 1st. I can cannot be here --

THE COURT: The State filed another petition for violation of probation.

MR. MALONEY: That's correct, Judge. May we go off the record?

THE COURT: The Supreme Court doesn't want us to go off the record.

MR. BRASSIL: With regard to that, the probation department is seeking to file a violation. I don't think we're asking to continue this much farther. We're asking for the 7th of July. That would be fine with the State. We would agree with that.

THE COURT: The 7th is fine. Tell your client.

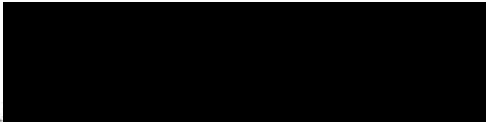
MR. MALONEY: I will, your Honor.

(Which were all the proceedings had.)

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.
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4

5 IN THE CIRCUIT COURT OF COOK COUNTY
6 COUNTY DEPARTMENT - CRIMINAL DIVISION
7
8

9 I, ROBERT J. MADDOCH, Official
10 Shorthand Reporter of the Circuit Court of Cook
11 County, County Department-Criminal Division, do
12 hereby certify that I reported in shorthand the
13 evidence had in the above-entitled cause and that
14 the foregoing is a true and correct transcript of
15 all the evidence heard.
16
17

18 
19 Official Shorthand Reporter
20 Circuit Court of Cook County
21 County Department-Criminal Division
22 Dated: 2-15-87
23 C.S.R. 84-1194
24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS)
8 vs.) 05 CR 8982
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REPORT OF PROCEEDINGS

BE IT REMEMBERED that on the 30th day of
June, 2005, this cause came on for hearing
before the Honorable MICHAEL P. TOOMIN, Judge of
said Court, upon the indictment herein, the
Defendant having entered a plea of not guilty.

APPEARANCES:

HON. RICHARD A. DEVINE, State's
Attorney of Cook County, BY:
MS. MARY BREGENZER,
Assistant State's Attorney,
on behalf of the People.


ROBERT J. MADDOCH
Official Court Reporter
Circuit Court of Cook County
County Department - Criminal Division
C.S.R. 84-1194

1 THE CLERK: [REDACTED] Mr. [REDACTED] was arrested.
2 MS. BREGENZER: It appears on yesterday,
3 Judge, on the 29th.
4 THE COURT: There was no warrant issued here.
5 MS. BREGENZER: Exactly.
6 THE COURT: Why did they arrest you?
7 THE DEFENDANT: I was sitting in front of the
8 building.
9 MS. BREGENZER: He was outside when he should
10 have been inside. It was a gang probation. There
11 are restrictions where he could go.
12 THE COURT: You're coming back here on the
13 7th, right?
14 THE DEFENDANT: My probation said I could sit
15 on the front to catch some air.
16 THE COURT: I will give you an I-Bond here.
17 Twenty-five thousand dollars.
18 MS. BREGENZER: Judge, we tried, Mr. Brassil
19 tried to reach his attorney to get him here.
20 THE COURT: You will get an I-Bond. Be back
21 on 7-7 with your lawyer.
22 MS. BREGENZER: Thank you, Judge.
23 (Which were all the
24 proceedings had.)

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)
4

5 IN THE CIRCUIT COURT OF COOK COUNTY
6 COUNTY DEPARTMENT - CRIMINAL DIVISION
7
8

9 I, ROBERT J. MADDOCH, Official
10 Shorthand Reporter of the Circuit Court of Cook
11 County, County Department-Criminal Division, do
12 hereby certify that I reported in shorthand the
13 evidence had in the above-entitled cause and that
14 the foregoing is a true and correct transcript of
15 all the evidence heard.
16

17 
18
19 Official Shorthand Reporter
20 Circuit Court of Cook County
21 County Department-Criminal Division

22 Dated: 2-15-97
23 C.S.R. 84-1194
24

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)

7 vs.)

8) 05 CR 8982-01
9) Judge Michael P. Toomin
10) July 7, 2005
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12 Court having reconvened pursuant to adjournment.

13 PRESENT:

14 HON. RICHARD A. DEVINE,
15 STATE'S ATTORNEY OF COOK COUNTY, by
16 MR. BUM JOON PARK,
Assistant State's Attorney,
Appeared on behalf of the People;

17 MR. MATTHEW MAHONEY,
18 Appeared on behalf of the Defendant.

19 *****

20
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22 Peter J. Paris
23 Official Court Reporter
24 2650 South California
Chicago, Illinois 60608

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THE CLERK: [REDACTED]

MR. MAHONEY: Matthew Mahoney, on behalf of [REDACTED]
[REDACTED]

Judge, this matter comes before you on a new case and a VOP. We are still in discovery process. We would be seeking a status date.

Judge, also, the defendant has obtained employment, which requires night-time work. We would ask the conditions of his probation be modified to allow him to stay out after 9:00 pm.

THE COURT: State have any comment on that?

MR. PARK: No, Judge.

THE COURT: Motion to -- motion defendant to modify probation to stay the curfew until further order of Court will be allowed.

And what about a date for that?

MR. MAHONEY: August 16th, your Honor?

THE COURT: The 16th.

MR. MAHONEY: Yes.

THE COURT: That's fine.

MR. MAHONEY: By agreement.

THE COURT: By agreement, 8-16, both cases.

(WHEREUPON, the hearing in the
above-entitled case was

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adjourned and scheduled to
reconvene on 8-16-05.)

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Peter J. Paris, an Official Court
Reporter in the Circuit Court of Cook County, County
Department, Criminal Division, do hereby certify that I
reported in shorthand the proceedings had at the hearing
of the aforementioned cause; that I thereafter caused
the foregoing to be transcribed, which I hereby certify
to be a true and accurate transcript taken to the best
of my ability of the proceedings had before the
Honorable MICHAEL P. TOOMIN, Judge of said Court.


Official Court Reporter

Dated this 31st day
of MAY, 2007.

CSR# 084-002875

STATE OF ILLINOIS }
COUNTY OF COOK } SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff,

VS.

No. 05CR8982


Defendant.

REPORT OF PROCEEDINGS HAD

at the hearing of the above-entitled cause, before the Honorable
MICHAEL P. TOOMIN, one of the Judges of said Division, on
the 16th day of August, 2005.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MS. NANCY NAZARIAN,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. THOMAS MAHONEY,
Appeared on behalf of the Defendant.

Jacqueline M. Shenberger
Official Court Reporter
Circuit Court of Cook County, Illinois
Criminal Division

THE CLERK: [REDACTED]

MR. MAHONEY: Matthew Mahoney on behalf of Mr. [REDACTED]

Judge, this matter is here for status today. At this point we'll be asking to set this down for a bench trial.

MS. NAZARIAN: He has the substantive case and the VOP. We'll proceed on the substantive case, which is 05CR8982.

THE COURT: Okay.

MS. NAZARIAN: We had previously made that election on May 31st.

THE COURT: Has the Defense filed its answer?

MR. MAHONEY: I have not filed an answer, I will file an answer. I have no affirmative defenses and no witnesses.

THE COURT: No affirmative defenses and no witnesses other than who's in the police reports.

MR. MAHONEY: Exactly.

THE COURT: You say a bench trial?

MR. MAHONEY: Yes, your Honor.

THE COURT: This is an '05 case.

Early '05 case.

MR. MAHONEY: Judge, anywhere from the middle of September on.

THE COURT: Uh?

MR. MAHONEY: Anywhere from the middle of September.

THE COURT: How about the 22nd of September?

MR. MAHONEY: I have 115-10 hearing in Rolling Meadows on that date.

THE COURT: How about the 29th?

MR. MAHONEY: I have a bench trial at the Daley Center.

How about the 28th?

THE COURT: The 28th is okay.

MS. NAZARIAN: By agreement.

THE COURT: By agreement 9-28 with for bench on the elected case.

(FURTHER PROCEEDINGS CONTINUED TO 9-28-05)

STATE OF ILLINOIS }
COUNTY OF C O O K } SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

I, JACQUELINE SHENBERGER, an Official
Court Reporter of the Circuit Court of Cook County, Illinois,
hereby certify that I reported in stenographic notes the
proceedings had in the above-entitled matter taken before the
Honorable MICHAEL P. TOOMIN; that I thereafter caused the
foregoing to be transcribed into typewriting, and further certify
that the foregoing is a true and accurate transcript of the
proceedings had on this date.


Official Court Reporter

Jacqueline Shenberger
Official Court Reporter
License No. 084-001524

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY
 COUNTY DEPARTMENT-CRIMINAL DIVISION
4
5 THE PEOPLE OF THE)
 STATE OF ILLINOIS)
) Case No. 05-8982
6 VS)
) Before JUDGE MICHAEL TOOMIN
7 [REDACTED]
 9/28/05
8

9 Court convened pursuant to adjournment.

10 Present:

11 HONORABLE RICHARD DEVINE,
 State's Attorney of Cook County, by
12 MR. WILLIAM LASKARIS
 Assistant State's Attorney,
13 appeared for the People;

14 MR. MATTHEW MAHONEY
 appeared for the defendant.
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22 Paul P. Marzano, CSR, RPR
23 Official Court Reporter
 2650 S. California, Room 4C02
 Chicago, IL 60608
24 License #84-001789

1

2

THE CLERK: [REDACTED] sheet seven.

3

THE COURT: No, it's sheet one and six.

4

MR. MAHONEY: Good morning, your Honor.

5

6

Matthew Mahoney on behalf of the
defendant, [REDACTED] This matter was set for trial.

7

8

However, it's come to my attention that there is some
pertinent information I would need to acquire before
trial.

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15

I'm asking for a continuance. I
would ask the Court to sign an order for the internal
affairs division of the Chicago police department's
files on Officers Watts, Jones, Gonzalez and Nicholas to
be delivered to your Honor on or before the next court
date.

16

THE COURT: From IA.D?

17

MR. MAHONEY: Yes, your Honor.

18

19

MR. LASKARIS: Judge, the State is asking that
this be an in camera inspection and that no record be --

20

21

MR. MAHONEY: I wrote that in the order for an in
camera inspection.

22

23

THE COURT: Yeah, they will deliver them here.
Now are we going to reset this for a trial date?

24

MR. LASKARIS: We can set a quick status date.

1 THE COURT: We'll set a date of October -- the
2 week of the 17th. Give me any date you want in there
3 for a status date.

4 MR. MAHONEY: The 17th.

5 THE COURT: 10-17 without and we'll reset it.
6 And you should have the materials here and review them
7 by then.

8 MR. MAHONEY: Thank you

9 (A continuance
10 was taken to 10-17-05)
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1 STATE OF ILLINOIS.)
2) SS.
3 COUNTY OF C O O K)

4 I, PAUL P. MARZANO, CSR, RPR, Official Court
5 Reporter for the Circuit Court of Cook County, Illinois
6 Judicial Circuit of Illinois, do hereby certify that I
7 reported in shorthand the proceedings had in the
8 above-entitled cause; that I thereafter caused the
9 foregoing to be transcribed, which I hereby certify to
10 be a true and accurate transcript of the report of
11 proceedings had before the Honorable MICHAEL TOOMIN,
12 Judge of said court.

13

14

15

Official Court Reporter,
License #84-001789

16

17

18 Dated this 22nd day

19 of FEBRUARY, 2007.

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT COUNTY DIVISION
FIRST MUNICIPAL DISTRICT

THE PEOPLE OF THE)
STATE OF ILLINOIS)

VS.)
)
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REPORT OF PROCEEDINGS

BE IT REMEMBERED, that the above-entitled cause
came on for hearing before the Honorable LAURA SULLIVAN
Judge of said Court, on Saturday, the 15th, day of
October, A. D., 2005

APPEARANCES:

HON. RICHARD DEVINE,
State's Attorney of Cook County, by:
MR. FRED SHEPPARD,
Assistant State's Attorney,
appeared on behalf of the People;

MR. EDWIN BURNETTE,
Public Defender of Cook County, by,
MR. ANAND SUNDARAM,
Assistant Public Defender,
appeared on behalf of the Defendant.

1 THE COURT: Now, why
2 is it a probable cause to detain as
3 to the charge of unlawful use of weapons by a felon,
4 and in the defendant's background
5 for the purpose of bond?

6 MR. SHEPARD: He has three prior felony convictions and
7 one attempt murder conviction in his background and a pending
8 felony.

9 THE COURT: Counsel.

10 MR. SUNDARAM: The defendant is thirty-three years of
11 age, and he is a life long resident of the City of Chicago,
12 we would be asking for a reasonable bond.

13 THE COURT: \$90,000.00, motion State to the 21st and I
14 will note the defendant's demand for trial.

15
16
17 (which were all of the proceedings
18 had in the above-entitled cause)
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STATE OF ILLINOIS

COUNTY OF COOK

I, ROBERT T. ZIMMER, Official Court Reporter
of the Circuit Court of Cook County, County Department,
Municipal Division, do hereby certify that I reported
in shorthand the proceedings had in the above-entitled
cause; that I thereafter caused to be transcribed into
typewriting the above Report of Proceedings, which I
hereby certify is a true and correct transcript of the
proceedings, had before the Honorable LAURA SULLIVAN,
Judge of this court.

Official Court Reporter

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3
4 IN THE CIRCUIT COURT OF COOK COUNTY
5 COUNTY DEPARTMENT-CRIMINAL DIVISION
6
7 THE PEOPLE OF THE)
8 STATE OF ILLINOIS,)
9 Plaintiff,) Criminal
10 vs.) No. 05-08982
11) Charge: Poss Amt Con Sub,
12) etc.
13)
14 Defendant.)

15 REPORT OF PROCEEDINGS had of the hearing
16 in the above entitled cause, before the Honorable
17 MICHAEL P. TOOMIN, Judge of said court, on the
18 17th day of October, 2005.

19 APPEARANCES:

20 HONORABLE RICHARD A. DEVINE,
21 State's Attorney of Cook County, by:
22 MS. MARY BREGENZER,
23 Assistant State's Attorney,
24 for the People of the State of Illinois;

MR. MATTHEW MAHONEY,
for the defendant.

J. D. Williams, CSR #084-001757
Official Court Reporter
2650 S. California Ave.-4C02
Chicago, Illinois 60608

1 THE CLERK: [REDACTED] sheets 2 and 3.

2 MR. MAHONEY: Good morning, your Honor.

3 Good morning, your Honor, Matthew Mahoney,
4 M-a-h-o-n-e-y, on behalf of the defendant [REDACTED]

5 THE COURT: Yes.

6 MR. MAHONEY: Judge, the -- on the last court
7 date the Court signed an order for the Internal
8 Affairs records of several officers. I prepared the
9 subpoena, attached the Court order to it, sent it
10 certified mail to the deputy director of Internal
11 Affairs. It was for an in-camera inspection so I
12 would have no knowledge as to whether or not those
13 materials have arrived to the Court.

14 THE COURT: There is a gentleman that brings
15 that material over from the police department whenever
16 we order the CRs. I haven't seen him on this case
17 yet so did you indicate a court date for that?

18 MR. MAHONEY: It was for today's date. I sent
19 the subpoena out on October the 4th, certified mail
20 along with a copy of the court order.

21 THE COURT: Well, I don't see them here yet.

22 MR. MAHONEY: I also need to inform the Court
23 that there has been an intervening arrest. The
24 defendant has a preliminary hearing date of

1 October the 19th at Branch 44, it involves some of the
2 same officers whose files were requested. And during
3 that course of that arrest a lieutenant had Mr. [REDACTED]
4 prepare and sign a statement about one of the other
5 officers involved and that lieutenant kept that
6 statement. I just became aware of this and I'm going
7 to have to spend some time trying to track down that
8 statement. The statement did not involve confession
9 to the alleged new offense but as to the conduct of
10 the officers at the scene including the conduct of one
11 of the officers whose --

12 THE COURT: Why would your client sign such a
13 statement he is represented by you. Wouldn't he know
14 better than to sign a statement without having --

15 MR. MAHONEY: The statement did not involve his
16 guilt or innocence, it involved the conduct of the
17 officer. They are highly usual circumstances,
18 your Honor, I am aware of that.

19 THE COURT: I don't know what relevance it has
20 to this case if any.

21 MR. MAHONEY: Nor do I.

22 THE COURT: Is there a pending matter before IAD
23 or OPS?

24 MR. MAHONEY: No.

1 THE COURT: Well maybe there will be.
2 MR. MAHONEY: I certainly agree.
3 His next court date on the new charge is the
4 19th in Branch 44.
5 THE COURT: I don't know that you're going to
6 have any action on your subpoenas here by that date,
7 that's just two days from now.
8 MR. MAHONEY: Yes, I am aware of that,
9 your Honor, so could I suggest that we come back here
10 maybe either on the 24th or the 31st to see what I've
11 discovered and to see what has happened to Branch 44.
12 THE COURT: Either date you want. The 24th is
13 just next Monday how about the 31st.
14 MR. MAHONEY: The 31st would be fine.
15 THE COURT: Now, wasn't this case set for trial
16 at one time?
17 MR. MAHONEY: It was, your Honor.
18 MS. BREGENZER: We were ready at that time.
19 THE COURT: What happened?
20 MS. BREGENZER: They were requesting the IAD
21 records. We had the officer here, Judge.
22 THE COURT: Okay, 10-31, by agreement both
23 matters.
24 MR. MAHONEY: By agreement for status. Thank

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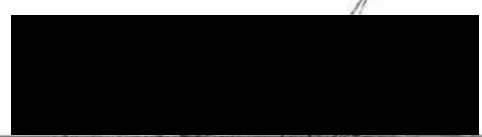
you.

(The above-entitled cause was continued
to October 31, 2005.)

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STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, Jewel Williams, an Official Court
Reporter for the Circuit Court of Cook County, County
Department-Criminal Division, do hereby certify that I
reported in shorthand the proceedings had in the above
entitled cause, that I thereafter caused the foregoing
to be transcribed into typewriting, which I hereby
certify to be a true and accurate transcript of the
Report of Proceedings had before the Honorable
MICHAEL P. TOOMIN, Judge of said court.



Official Court Reporter
084-001757

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

5 PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7 Plaintiff,)
8 vs.) No. 05 CR 8882
9)
10)
11)
12)
13 Defendant.)

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15 REPORT OF PROCEEDINGS had at the
16 hearing of the above-entitled cause, before the
17 HONORABLE MICHAEL P. TOOMIN, Judge of said court,
18 on the 28th day of November, 2005.

19 PRESENT:
20 HON. RICHARD A. DEVINE, State's Attorney,
21 of Cook County, by:
22 MS. NANCY NAZARIAN,
23 Assistant State's Attorney,
24 on behalf of the People;
MR. MATHEW MAHONEY,
appeared on behalf of the Defendant.

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Annette Cesario
Official Court Reporter
Criminal Division
CSR #84-2529

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THE CLERK: [REDACTED]

MR. MAHONEY: Mathew Mahoney on
behalf of the defendant on bond. Mr. Navaro
couldn't be present today but we agreed on
December 8th, if that's okay with the Court,
for status.

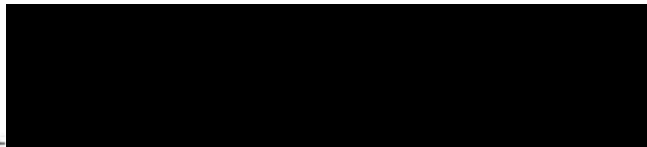
THE COURT: 12/8, both cases,
that's agreeable.

MR. MAHONEY: Thank you, Your
Honor.

(Which were all the proceedings
had on the above-entitled cause,
this date.)

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K)
3

4 I, ANNETTE C. CESARIO, Official Shorthand
5 Reporter of the Circuit Court of Cook County,
6 County Department-Criminal Division, do hereby
7 certify that I reported in shorthand the
8 proceedings had in the above-entitled cause; that I
9 thereafter caused the foregoing to be transcribed
10 on a computer, which I hereby certify to be a true
11 and accurate transcript of all the evidence heard.
12



14
15 Certified Shorthand Reporter
16 Circuit Court of Cook County
County Department-Criminal Division

17 Date: 1/30/07
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE STATE)
7 OF ILLINOIS)

8 vs.)
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No. 05-CR-8982-01

REPORT OF PROCEEDINGS had at the
hearing in the above-entitled cause before
the HONORABLE MICHAEL P. TOOMIN, Judge of said court,
on the 8th day of December 2005.

PRESENT:

HONORABLE RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by:
MR. DAVID NAVARRO,
ASSISTANT STATE'S ATTORNEY,
appeared on behalf of the People;

MR. MATTHEW MAHONEY,
appeared on behalf of the Defendant

Annette M. Golab
Official Court Reporter
License No. 084-001693

1 THE CLERK: [REDACTED] Sheets 1, 3 and 7.

2 MR. MAHONEY: Good morning. Matthew Mahoney
3 on behalf of [REDACTED]

4 MR. NAVARRO: David Navarro on behalf of the
5 People.

6 THE COURT: Good morning. As the Clerk
7 indicated, he is here on a new matter 2005-CR-25580,
8 charged with a UUW by a felon. Tender the charges
9 to Counsel.

10 MR. MAHONEY: Judge, acknowledge receipt,
11 waive formal reading, enter a plea of not guilty.

12 THE COURT: The record will reflect defendant
13 has been arraigned in open court, enters a plea
14 of not guilty. Is the State filing anything
15 today?

16 MR. NAVARRO: No, Judge. We haven't received
17 that file yet.

18 THE COURT: Are you filing anything today?

19 MR. MAHONEY: No, I am not, your Honor.

20 THE COURT: What is the bond situation on this
21 case?

22 MR. NAVARRO: It is a direct indictment.

23 MR. MAHONEY: After dismissal at the
24 preliminary hearing stage.

1 MR. NAVARRO: Bond needs to be set. We have
2 no objection to an I-bond, Judge.

3 THE COURT: I will set a \$25,000 signature
4 bond. Mr. [REDACTED] you are not required to put up
5 any money. By reason of signing the bond you
6 will be guaranteeing the Court that you will be
7 here each time the matter is here. If you are not
8 here you could be liable for the entire amount of
9 the bond, and a warrant would issue for your
10 arrest.

11 More importantly, if this matter does
12 go to trial, if you are not here at the trial
13 date you could be tried in your absence. If that
14 happened you would forfeit the right to be here
15 to face your accusers, tell your own side of the
16 story and otherwise participate with your lawyer
17 in the defense of the case.

18 If you were found guilty under those
19 circumstances you could also be sentenced in your
20 absence and the only thing remaining to be done
21 would be to serve whatever type of sentence was
22 imposed. Do you understand?

23 THE DEFENDANT: Yes, sir.

24 MR. MAHONEY: Judge, we have developments we

1 are working for. If we can have January 26th by
2 agreement for status.

3 THE COURT: January 26, 2006 without on all
4 cases. You have to remain to sign the bond,
5 Mr. [REDACTED] So they will call you up when it is
6 ready.

7 MR. MAHONEY: Thank you, your Honor.

8 (Whereupon, the above-entitled cause
9 was continued to January 26, 2006.)
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1 STATE OF ILLINOIS)
2)
3 COUNTY OF C O O K)

4

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

5

6

I, Annette M. Golab, an Official Court

7

Reporter for the Circuit Court of Cook County, Criminal

8

Division, do hereby certify that I reported in shorthand

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the proceedings had at the hearing of the above-entitled

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cause; that I thereafter caused the foregoing to be

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transcribed into typewriting, which I hereby certify to

12

be a true and accurate transcript of the proceedings

13

before the Honorable MICHAEL P. TOOMIN, Judge of said

14

court.

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Official Court Reporter
License No. 084-001693

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Dated this 15th day

22

of March, 2007.

23

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, MUNICIPAL
5 DEPARTMENT FIRST MUNICIPAL DISTRICT

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS,)
8)
9 Plaintiff,)
10 vs.) Branch 1
11) No. 05-CR-8982
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Defendant.)

11 REPORT OF PROCEEDINGS had in the above-entitled
12 cause, taken before the HONORABLE COLLEEN ANN HYLAND,
13 Judge of said Court, on Tuesday, December 13th, 2005.

14 APPEARANCES:

15 HONORABLE RICHARD A. DEVINE,
16 State's Attorney of Cook County, by:
17 MS. PAMELA STRATIGAKIS,
18 Assistant State's Attorney,
19 Appeared on behalf of the People;

18 MR. EDWIN A. BURNETTE,
19 Public Defender of Cook County, by:
20 MR. PORTER MERIWETHER,
21 Assistant Public Defender,
22 Appeared on behalf of the Defendant.

21 COURT REPORTER:

22 GINA M. LYNCH, C.S.R.
23 Official Court Reporter
24 69 WEST WASHINGTON - 9th Floor
Chicago, Illinois 60602

1 THE COURT: [REDACTED] Finding of probable cause
2 to detain to the charge of P.C.S. In addition, there
3 is an outstanding warrant for your arrest on a V.O.P.
4 and V.O.B.B. According to the arrest report, it
5 indicates probation violation. I guess they would be
6 able to able to pull that if that is the case, but you
7 don't have any information as to that?

8 MS. STRATIGAKIS: I don't. However, if that is a
9 V.O.P. matter?

10 MR. MERIWETHER: What is the number on the case?

11 THE COURT: 05-992.

12 MR. MERIWETHER: That is the probation case.

13 MS. STRATIGAKIS: We will withdraw the V.O.P.

14 THE COURT: We don't have the warrant so keep the
15 V.O.P. so here is my suggestion: Just keep the V.O.P.

16 --

17 MR. MERIWETHER: Will you continue the V.O.P.
18 until tomorrow. If this is a warrant it can ve
19 resolved since he is in custody. I believe it is for
20 Judge Toomin.

21 THE COURT: That is fine.

22 (Which were all the proceedings had in
23 the above-entitled cause.)
24

1 STATE OF ILLINOIS)
2) SS:
3 COUNT OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, MUNICIPAL
5 DEPARTMENT-FIRST MUNICIPAL DISTRICT

6 I, GINA M. LYNCH, Official Court Reporter of the
7 Circuit Court of Cook County, Municipal
8 Department-First Municipal District, do hereby certify
9 that I reported in shorthand the proceedings had on
10 the hearing in the aforementioned cause; that I
11 thereafter caused the foregoing to be transcribed into
12 typewriting, which I hereby certify to be a true and
13 accurate transcript of the Report of Proceedings had
14 before the Honorable COLLEEN ANN HYLAND, Judge of said
15 court.

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19 GINA M. LYNCH, C.S.R.
C.S.R.#084-003445

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24 Dated this 27th day of March, 2007.

1 STATE OF ILLINOIS }
2 COUNTY OF COOK } SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE
6 STATE OF ILLINOIS,

7 vs.

8 No. 05 CR 8982

9 REPORT OF PROCEEDINGS HAD at the hearing
10 of the above-entitled cause, before the Honorable
11 MICHAEL P. TOOMIN, one of the Judges of said
12 Division, on the 14th of December, 2005.

13 PRESENT:

14 HON. RICHARD A. DEVINE,
15 STATE'S ATTORNEY OF COOK COUNTY, by
16 MS. NANCY NAZARIAN,
Assistant State's Attorney,
Appeared on behalf of the People;

17 MR. MATTHEW MAHONEY,
18 Appeared on behalf of the Defendant.

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23 Barbara A. Evans
24 Official Court Reporter

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THE CLERK: [REDACTED]

MR. MAHONEY: Matt Mahoney on behalf of
defendant [REDACTED] who is in custody but is not
present, your Honor.

THE COURT: All right. He was here
yesterday. Do you know anything about this case?

MR. MAHONEY: I do. I am very, very
familiar with it. He is not here today but I
have spoken with him on the telephone five
minutes ago and I can make a representation to
the Court that he has no objection to this Court
setting an I bond or D Bond on the violation of
probation.

THE COURT: Did [REDACTED] go down someplace
yesterday on a new case?

MR. MAHONEY: Yes, he did.

THE COURT: What was his bond?

MR. MAHONEY: They set it at no bond
because of the violation of probation.

MS. NAZARIAN: I have not spoken to Mr.
Navarro but I do know that he has been very
involved in this case. I did see him speaking to
people about the case following court yesterday
so I will accept Mr. Mahoney's representation.

1 MR. MAHONEY: If the court would be so
2 inclined I would waive the defendant's
3 appearance, your Honor.

4 THE COURT: Okay.

5 MR. MAHONEY: Apparently this stems from a
6 certain individual unhappy with the last court's
7 bond.

8 THE COURT: Well, it's an unusual
9 situation. It's my understanding that some
10 input, there was some other input to IID or ODS.
11 I am going to set an I bond on this case.
12 \$35,000. Do you know when he goes back to court
13 on the new case?

14 MR. MAHONEY: January 3rd at Branch 48.

15 THE COURT: 3rd?

16 MR. MAHONEY: Yes.

17 THE COURT: Well, I will reset it for the
18 6th, here, if that's convenient for you.

19 MR. MAHONEY: I am picking a jury. How
20 about the 5th?

21 THE COURT: The 5th is fine.

22 MR. MAHONEY: So, we will strike the
23 previous date of 1-26?

24 THE COURT: That's when it's on?

1 MR. MAHONEY: January 26th was the
2 previously set court date. Strike that.

3 THE COURT: Yes, we will make it the 5th
4 to find out what happened in the case.

5 MS. NAZARIAN: The 5th.

6 THE COURT: Yes, the 5th, both cases.

7 MR. MAHONEY: So 35,000 composite I on the
8 violation of probation and VOBB?

9 THE COURT: Well, he has an active case
10 and a probation; is that right?

11 MR. MAHONEY: Yeah.

12 THE COURT: Well, anything before me will
13 be a composite bond, both probation and new case
14 -- not the new case but the pending case.

15 THE CLERK: So, send that to the jail if
16 he is not here?

17 THE COURT: Won't they do an I bond in the
18 jail?

19 MR. MAHONEY: I think so.

20 THE COURT: All you do is say that he is
21 to be released, they will release him over and he
22 signs the bond.

23 THE PROBATION OFFICER: He has two pending
24 matters.

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MR. MAHONEY: Now he has three pending matters including the case in Branch 48.

THE COURT: Apparently this is the probation '02, add that on to the sheets and make the bond be for all three cases. Okay.

MR. MAHONEY: Thank you, Judge.

(WHEREUPON, the case
was continued to
1-5-06.)


1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4
5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT-CRIMINAL DIVISION
7

8 I, Barbara A. Evans, C.S.R., an
9 Official Court Reporter in the Circuit Court of
10 Cook County, County Department, Criminal
11 Division, do hereby certify that I reported in
12 shorthand the proceedings had at the hearing of
13 the aforementioned cause; that I thereafter
14 caused the foregoing to be transcribed, which I
15 hereby certify to be a true and accurate
16 transcript taken to the best of my ability of the
17 proceedings.
18

19 
20
21 Official Court Reporter

22 Dated this 3rd day
23 of May, 2007.
24 CSR# 084-002722

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
 Plaintiff,) No. 05 CR 08982-01
 -vs-)
[REDACTED]) Charge: Delivery of Controlled
 Defendant.) Substance

REPORT OF PROCEEDINGS had at the hearing of
the above-entitled cause before the Honorable MICHAEL P.
TOOMIN, on the 5th day of January, A.D., 2006.

PRESENT:

MR. WILLIAM LASKARIS,
Assistant State's Attorneys,
for the People.

MR. MATTHEW MAHONEY,
for the Defendant.

Christina F. Basis-Prinzi, CSR 084-001769
Official Court Reporter
2650 South California Avenue #4C02
Chicago, Illinois 60608
773-869-6065

1 THE CLERK: [REDACTED]

2 MR. MAHONEY: Matthew Mahoney on behalf of the
3 defendant, [REDACTED]

4 Your Honor, Mr. [REDACTED] had picked up a new case and
5 the preliminary hearing was set for Tuesday; however, through
6 what I believe is a bureaucratic snafu, Special Prosecutions
7 in narcotics chose to indict the case before the preliminary
8 hearing so that case has been indicted. It is going to be in
9 front of the chief judge on the 20th of January.

10 THE COURT: The 20th?

11 MR. MAHONEY: The 20th. I am assuming it will be
12 assigned to this court.

13 THE COURT: It should be.

14 MR. MAHONEY: We will be asking by agreement to
15 January 20.

16 THE COURT: Is that agreeable to the State?

17 MR. LASKARIS: Yes, judge.

18 THE COURT: January 20 by agreement all three
19 cases.

20 MR. MAHONEY: Oh, I'm sorry, judge. On Mr. [REDACTED]
21 we had a previously scheduled date of January 26. In view of
22 the January 20 date, I would ask leave to strike the
23 January 26 date.

24 THE COURT: Well, for some reason, the cases all

1 appeared today so that date -- We would be coming back before
2 that date anyway.

3 MR. MAHONEY: Correct.

4 THE COURT: So it shouldn't matter.

5 MR. MAHONEY: I just wanted to clear that up.

6 (The matter was continued to
7 January 20, 2006.)
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IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, CHRISTINA F. BASIS-PRINZI, Official
Shorthand Reporter of the Circuit Court of Cook County,
County Department-Criminal Division, do hereby certify that I
reported in shorthand the evidence had in the above-entitled
cause and that the foregoing is a true and correct transcript
of all the evidence heard.


CHRISTINA F. BASIS-PRINZI

STATE OF ILLINOIS)
COUNTY OF COOK) SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff,

VS.



Defendant.

No. 05 CR 8982
Charge: Manufacture &
Delivery of Heroin

REPORT OF PROCEEDINGS HAD

at the hearing of the above-entitled cause, before the Honorable
MICHAEL P. TOOMIN, one of the Judges of said Division, on
the 20th day of January, 2006.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MS. NANCY NAZARIAN,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

Charles T. Coleman
Official Court Reporter
Circuit Court of Cook County, Illinois
Criminal Division

1 THE CLERK: [REDACTED]
2 Sheets 22 and 23.

3 THE COURT: Where is Mr. Mahoney? I
4 thought I saw him.

5 A DEFENDANT: He is back there.

6 THE SHERIFF: He is back here.

7 MR. MAHONEY: Good morning, your
8 Honor. Matthew Mahoney on behalf of [REDACTED] and
9 [REDACTED]

10 THE COURT: You represent both?

11 MR. MAHONEY: I do, your Honor.

12 THE COURT: The defendants are here
13 today for arraignment on a new matter.
14 20-06810 charge with possession with intent.
15 Three counts. I will tender the charges.

16 MR. MAHONEY: I acknowledge receipt,
17 waive formal reading, enter plea of not guilty
18 on behalf of both defendants.

19 THE COURT: Record will reflect the
20 defendants have been arraigned in open court.
21 Enter pleas of not guilty. State filing
22 anything today?

23 MS. NAZARIAN: Judge, we filed our
24 motion and answer to discovery as to each

1 defendant on 06 CR 810.

2 MR. MAHONEY: I acknowledge receipt of
3 a packet of discovery from the State.

4 THE COURT: Are you filing anything
5 today, Mr. Mahoney?

6 MR. MAHONEY: I am not, your Honor,
7 but I would ask for a review of Mr. [REDACTED]
8 bond.

9 THE COURT: The young lady has a bond
10 she posted.

11 MR. MAHONEY: That's correct.

12 THE COURT: D-bond --

13 MR. MAHONEY: 25,000.

14 THE COURT: \$2,500. What is
15 Mr. [REDACTED] bond?

16 MR. MAHONEY: I believe it's set at no
17 bond, your Honor.

18 THE COURT: Let me see. He has other
19 matters before the court. Actually, looks like
20 it's \$100,000; is that your understanding?

21 THE DEFENDANT [REDACTED] Yes.

22 THE COURT: \$100,000. He has bonds on
23 the other cases, does he?

24 MR. MAHONEY: He has a total of

1 \$12,500 cash posted and then he has I-bonds on
2 the other matters.

3 THE COURT: What are you suggesting
4 here?

5 MR. MAHONEY: I would ask for an
6 I-bond. I know the State's position is that
7 they are not going to agree to an I-bond. But
8 I would ask to lower the bond to a D-bond of
9 perhaps the defendant can make. He has never
10 failed to appear, and he is going to live in an
11 area outside the territory of certain
12 individuals who are --

13 THE COURT: That might be a good idea.

14 MS. NAZARIAN: We would object to an
15 I-bond obviously and we think the bond that has
16 been set is actually appropriate.

17 The defendant does have three
18 felony convictions in his background. From
19 2005, he has -- I am sorry. 2002, I apologize.
20 He is on your probation under 2002 CR 5992.
21 It's a possession of a controlled substance.

22 From 1993, he has an attempt
23 murder conviction, which he was convicted of
24 and received six years IDOC on September 16th

1 of 1994. He also has an unlawful use of a
2 weapons conviction from that same date, also a
3 1993 case. He received two years IDOC on that
4 case.

5 He does have these three cases
6 pending in addition to the VOP, judge. I think
7 the bond as it is is appropriate.

8 MR. MAHONEY: The defendant can
9 perhaps come up with \$2,500.

10 THE COURT: I am going to reduce the
11 bond to \$30,000-D. And should you be able to
12 post that, Mr. [REDACTED] and Miss [REDACTED] by reason
13 of having you posted the bond, it will be each
14 of your obligations to be here each time the
15 cases are here. If you are not here, there
16 would be bond forfeitures entered and warrants
17 would issue for your arrest.

18 More importantly, if you are not
19 here when the matters are actually set down for
20 trial, you could be tried in your absence. If
21 that happened, you would give up the right to
22 be here, to face your accusers, tell your own
23 side of the story and otherwise participate
24 with your lawyers in the defense of the case.

1 If you were found guilty under
2 those circumstances, you could also be
3 sentenced in your absence and the only thing
4 remaining to be done would be to serve whatever
5 type of sentence was imposed; do you each
6 understand that?

7 THE DEFENDANT [REDACTED] Yes.

8 THE DEFENDANT [REDACTED] Yes.

9 THE COURT: What is your pleasure
10 today?

11 MR. MAHONEY: Judge, I guess we can
12 set whatever the State wants to elect, we can
13 set it for trial.

14 MS. NAZARIAN: The case that was
15 originally set for trial back in September was
16 05 CR 8982.

17 THE COURT: Yes, that's the other --
18 the other case is a probation case, right.

19 MS. NAZARIAN: The 02 case is a
20 probation case. There is a 05-25580 case.
21 That's a UUW by felon. That is also pending.

22 THE COURT: All right. So, you want
23 to continue the election on 8982?

24 MS. NAZARIAN: That's correct.

1 THE COURT: And do you want to set
2 that for trial.

3 MR. MAHONEY: Might as well, judge.
4 Might as well get these started.

5 THE COURT: Okay. Bench or jury?

6 MR. MAHONEY: Bench, your Honor.

7 THE COURT: Bench. I could do it the
8 16th of February if you are available.

9 MR. MAHONEY: I have to be in Skokie
10 on a murder. I could do it any day after that
11 in February.

12 THE COURT: Okay. I think the next
13 week we are pretty well booked up and then we
14 are in March.

15 MR. MAHONEY: I believe Mr. [REDACTED] is
16 going to be able to post bond, so a March date
17 would be acceptable.

18 THE COURT: All right. March 9th.

19 MR. MAHONEY: That's fine, your Honor.

20 THE COURT: March 9th by agreement
21 then on all cases and the elected case will be
22 with subpoenas.

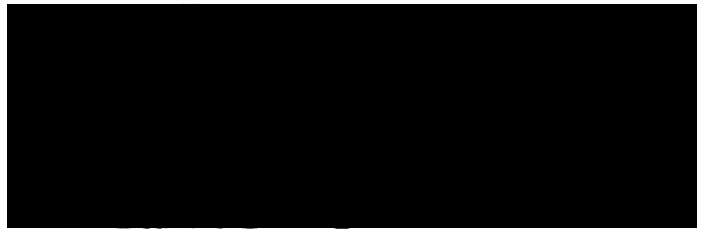
23 MR. MAHONEY: Thank you, judge.

24 (WHICH WERE ALL THE PROCEEDINGS HAD)

STATE OF ILLINOIS)
COUNTY OF C O O K) SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, CHARLES T. COLEMAN, an Official Court Reporter
in the Circuit Court of Cook County, County Department,
Criminal Division, do hereby certify that I reported in shorthand
the proceedings had at the hearing of the aforementioned cause;
that I thereafter caused the foregoing to be transcribed, which I
hereby certify to be a true and accurate transcript taken to the
best of my ability of the proceedings had before the Honorable
MICHAEL P. TOOMIN, Judge of said Court.



Official Court Reporter

Dated May 7, 2007
CSR# 084-003101

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
7 Plaintiff,) Case No. 05 CR 8982-01
8 - vs -) Charge: Mfg/Del
9 [REDACTED])
10 Defendant.)

11 RECORD OF PROCEEDINGS had before the
12 Honorable MICHAEL P. TOOMIN, heard on the 27th day of
13 March, A.D., 2006.

14
15 APPEARANCES:

16 HON. RICHARD A. DEVINE,
17 State's Attorney of Cook County, by
18 MS. NANCY NAZARIAN
Assistant State's Attorney,
appeared on behalf of the People;

19 MR. MICHAEL CHOMIAK
20 appeared on behalf of the Defendant.

21
22 Nancy Muscolino, RPR/CSR No. 084-001532
23 Official Court Reporter
24 2650 S. California
Chicago, Illinois 60608
773-869-6065

1 THE CLERK: [REDACTED] sheets three, four, and
2 eight.

3 MR. CHOMIAK: Mike Chomiak on behalf of Matthew
4 Mahoney, who is the attorney of the record.

5 Your Honor, Mr. Mahoney had somewhat of
6 a reckless recovery from his fall. He is out. He's
7 just out of town this week for spring break with his
8 children. He would respectfully ask to set this back
9 on -- I believe it was on the trial call.

10 THE COURT: I'm not sure where we were on the
11 case, because Mr. Navarro was handle this, wasn't he?

12 MS. NAZARIAN: No. We're handling it. There
13 is actually a co-defendant on one of his cases. They
14 were all set for a status date. That's [REDACTED]

15 [REDACTED]

16 MR. CHOMIAK: Miss [REDACTED] is here, also.

17 THE COURT: This is for Mr. Mahoney.

18 MR. CHOMIAK: Thank you, Judge. I'll give that
19 to him.

20 THE COURT: Well, are you aware of his
21 schedule?

22 MR. CHOMIAK: Judge, I do have certain dates I
23 know that he's here. I don't know if you want to set
24 it for a short status date to set it back on the trial

1 call or if you want to give him a long date for trial.

2 THE COURT: If you can tell me when he wants it
3 set, that's fine; otherwise, I'll give it a very short
4 date.

5 MR. CHOMIAK: Judge, I know he'll be here back
6 on the 3rd; if you want to hold it for April 3d.

7 THE COURT: Well, I won't be here, and I don't
8 know what judges will be available. There should be a
9 judge. But if that's what you want to do, that's
10 fine.

11 MR. CHOMIAK: Whatever is convenient for your
12 call, your Honor. He also could be here any time that
13 week of the 3rd.

14 THE COURT: We'll do it for the 3rd. I assume
15 the State will have the matter then set at that time,
16 whichever case you're setting.

17 MS. NAZARIAN: So it's set for status on the
18 3rd, and on the 3rd we'll set it for trial.

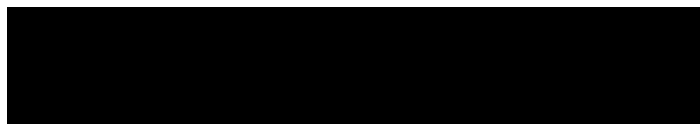
19 THE COURT: Yes. Okay. See you then.

20

21 (Which were all the proceedings
22 had at the hearing of the
23 above-entitled cause. Case
24 continued to 4-3-06.)

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:
3

4 I, NANCY MUSCOLINO, CSR/RPR, an
5 Official Court Reporter of the Circuit Court of Cook
6 County, County Department-Criminal Division, do hereby
7 certify that I reported in shorthand the proceedings
8 had in the above-entitled cause, that I thereafter
9 caused the foregoing to be transcribed into
10 typewriting, which I hereby certify to be a true and
11 accurate transcript of the proceedings had before the
12 Honorable MICHAEL P. TOOMIN, Judge of said Court.
13
14



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17 Official Court Reporter of the
18 Circuit Court of Cook County
19 CSR #084-001532
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1 THE CLERK: [REDACTED] Sheets 3, 8, 12,
2 and 13, co-defendant [REDACTED]

3 MR. MAHONEY: Matthew Mahoney,
4 M-A-H-O-N-E-Y, on behalf of both defendants.

5 Judge, I've spoken with the
6 State. As the Court's aware, another State's
7 Attorney is primarily involved in one of the
8 cases, the alleged case that was previously
9 set for trial.

10 THE COURT: Is Mr. Navarro involved
11 with this?

12 MR. MAHONEY: He is, Your Honor.

13 THE COURT: Then he should be here
14 today.

15 MS. NAZARIAN: No, Judge. Actually
16 we're handling these cases right now. I heard
17 nothing about anybody else connected in this
18 case. As far as we're concerned we're ready
19 to set this back down for trial.

20 THE COURT: Which case was the case
21 that was set?

22 MS. NAZARIAN: It was 05 8982.

23 MR. MAHONEY: And Judge, I too would
24 be in a position shortly to set that for

1 trial, however, there was some subpoenaed
2 materials that are in the Court's possession.
3 Mr. Navarro is not in the office today, he
4 won't be back until Monday.

5 If his involvement in the case is
6 through, then I would ask the Court to release
7 that information to me prior to trial, so I
8 would suggest a short status date for
9 Mr. Navarro to check with him as to whether
10 or not --

11 THE COURT: Well, the reason it wasn't
12 released was there was an ongoing
13 investigation.

14 MS. NAZARIAN: Judge, I will contact
15 Mr. Navarro and see where we stand as far as
16 that is concerned, and if you want to give us
17 a date some time later next week, we can work
18 that out.

19 THE COURT: That's fine. We'll set it
20 next week. If it turns out that's the end of
21 the investigation, then you'll have it for the
22 9th.

23 MR. MAHONEY: That's fine.

24 THE COURT: You represent the lady too?

1 MR. MAHONEY: I do, Your Honor.
2 Judge, is early May convenient
3 for a status date?
4 THE COURT: What date?
5 MR. MAHONEY: Early May.
6 THE COURT: Next week we said?
7 MS. NAZARIAN: Right.
8 (Which were all the proceedings had
9 in the above-entitled cause.)
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STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, DORLISA BRYANT, an Official Court Reporter for the Circuit Court of Cook County, County Department/Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said court.

Official Court Reporter
C.S.R. License No. 084-003048

Dated this 3rd day
of May, 2007.

1 STATE OF ILLINOIS }
2 COUNTY OF COOK } SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE
6 STATE OF ILLINOIS,

7 vs.

8 No. 05 CR 8982

9 REPORT OF PROCEEDINGS HAD at the hearing
10 of the above-entitled cause, before the Honorable
11 MICHAEL P. TOOMIN, one of the Judges of said
12 Division, on the 28th of April, 2006.

13 PRESENT:

14 HON. RICHARD A. DEVINE,
15 STATE'S ATTORNEY OF COOK COUNTY, by
16 MS. MARY BREGENZER,
Assistant State's Attorney,
17 Appeared on behalf of the People;

18 MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

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24 Barbara A. Evans
Official Court Reporter

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THE CLERK: [REDACTED]

MR. MAHONEY: Matt Mahoney on behalf of defendant here on bond. Judge, I have spoken with Assistant State's Attorney Navarro and your courtroom State's Attorneys and at this point we are at an impasse on negotiations and I believe we need to set this matter down for trial.

THE COURT: Which matter?

MS. BREGENZER: 05 CR 8982. So, we would be asking to reset this matter for trial.

Judge, also an additional matter, I think your Honor is in receipt of some materials from the Chicago Police Department Internal Affairs Division. Judge, I think at this point we are asking that the Court review those in camera and distribute them to the parties.

THE COURT: That came up the last time that you were here and in the absence of Mr. Navarro, I wanted him here to talk about the matter in chambers. I have some conferences. We will give it a trial date unless you want to wait around. Is this a bench or a jury?

MR. MAHONEY: Bench.

1 THE COURT: It was previously set?

2 MR. MAHONEY: It was set one time.

3 THE COURT: I have an opening May 16th. I
4 have juries set the 15th. I don't know that they
5 are going to go.

6 MR. MAHONEY: I have a motion to suppress
7 in Judge Porter on the 16 that's definitely going
8 to go.

9 THE COURT: How's the 23rd?

10 MR. MAHONEY: Fine.

11 MS. BREGENZER: If I could have a minute?
12 I have a list of officers with furlough dates.
13 That appears to be okay.

14 THE COURT: May 23rd on 8982. The other
15 matters will be without subpoenas.

16 MR. MAHONEY: Thank you, your Honor. By
17 agreement.

18 (WHEREUPON, the case
19 was continued to
20 5-23-06.)
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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4
5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT-CRIMINAL DIVISION
7

8 I, Barbara A. Evans, C.S.R., an
9 Official Court Reporter in the Circuit Court of
10 Cook County, County Department, Criminal
11 Division, do hereby certify that I reported in
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13 the aforementioned cause; that I thereafter
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15 hereby certify to be a true and accurate
16 transcript taken to the best of my ability of the
17 proceedings.

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20
21 Official Court Reporter

22 Dated this 3rd day

23 of May, 2007.

24 CSR# 084-002722

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7) Criminal
8 Plaintiff,)
9) No. 05-08982
10 vs.)
11) Charge: Mfg/Del Heroin,
12) etc.
13)
14)
15)
16 Defendants.)

17 REPORT OF PROCEEDINGS had of the hearing
18 in the above entitled cause, before the Honorable
19 MICHAEL P. TOOMIN, Judge of said court, on the
20 23rd day of May, 2006.

21 APPEARANCES:

22 HONORABLE RICHARD A. DEVINE,
23 State's Attorney of Cook County, by:
24 MR. WILLIAM LASKARIS,
MS. MARY BREGENZER,
Assistant State's Attorneys,
for the People of the State of Illinois;
MR. MATTHEW MAHONEY,
for the defendants.

25 J. D. Williams, CSR #084-001757
26 Official Court Reporter
27 2650 S. California Ave.-4C02
28 Chicago, Illinois 60608

1 THE CLERK: [REDACTED] co-defendant
2 [REDACTED] Sheet 1, 2, 3, and 6.
3 MR. MAHONEY: Good morning, your Honor,
4 Matthew Mahoney on behalf of both defendants.
5 Judge, this matter comes here today for a
6 bench trial on 05-CR-8982. And the other case is for
7 status.
8 THE COURT: What is the State's position?
9 MS. BREGENZER: Your Honor, my partner is in the
10 back speaking to officers prepared for the trial,
11 we'll find out if there are enough officers here. I
12 believe he spoke to Mr. Mahoney about that.
13 MR. MAHONEY: He has. I am ready, your Honor, I
14 believe the State will be ready but of course I'll
15 leave that up to him.
16 THE COURT: Good, we'll pass the case then.
17 MR. MAHONEY: You want to give it a status date
18 on the other case?
19 THE COURT: We'll wait to see what happens.
20 (The above-entitled cause was
21 passed and later recalled:)
22
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1 THE COURT: All right, that brings us to [REDACTED]

2 The case we're going on is.

3 MR. MAHONEY: 05-CR.

4 THE COURT: 8982.

5 MR. MAHONEY: Judge, I'm seeking leave to
6 formally file my answer to discovery, I tendered
7 copies to the State, your Honor.

8 THE COURT: This has been faxed to the police
9 department it's okay it has been taken care of.

10 MR. MAHONEY: Judge, this is a fax of my subpoena
11 along with the Court's order that was issued back in
12 October. There is no response on the cover page but
13 I don't believe that any material is missing that I am
14 aware of.

15 THE COURT: True. Okay, Mr. [REDACTED] I have here
16 a jury waiver that apparently you just signed, is that
17 your signature?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You understand by signing this
20 document you are asking to waive or give up your right
21 to a jury trial?

22 THE DEFENDANT: Yes.

23 THE COURT: That is your right to have to
24 exercise or to waive. If you didn't have a jury

1 trial you could not be found guilty here unless all
2 twelve jurors picked by the lawyers after hearing the
3 evidence concluded that you had been proved guilty
4 beyond a reasonable doubt. When you have a jury
5 trial that is the standard for proving you guilty and
6 it is the same whether you have a bench trial or a
7 jury trial.

8 If you had a bench trial I would be bound by
9 the same test or standard. I could not find you
10 guilty unless I was convinced from the evidence that
11 you had been proved guilty beyond a reasonable doubt.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And it is your decision to give up
15 your right to a jury trial?

16 THE DEFENDANT: Yes.

17 THE COURT: Nobody has promised you anything?

18 THE DEFENDANT: No.

19 THE COURT: Threaten you to do this?

20 THE DEFENDANT: No.

21 THE COURT: Doing this of your own free will?

22 THE DEFENDANT: Yes.

23 THE COURT: Jury waiver will be accepted.

24 I got a call downstairs to Judge Biebel I

1 will back in just a few minutes. It will be a short
2 recess.

3 (Short recess.)

4 THE COURT: Okay, both sides are ready?

5 MR. MAHONEY: Yes.

6 MR. LASKARIS: Yes.

7 THE COURT: Come on up, Mr. [REDACTED] have a seat.

8 State have opening?

9 MR. LASKARIS: We'll waive opening.

10 THE COURT: Waive opening.

11 Mr. Mahoney.

12 MR. MAHONEY: Yes, your Honor.

13 OPENING STATEMENTS

14 BY MR. MAHONEY:

15 Your Honor, the allegations in this case
16 involve basically that Chicago police officers caught
17 Mr. [REDACTED] with drugs in his possession on
18 March the 23rd of 2005. The State has to prove that
19 allegation beyond a reasonable doubt. But what
20 you're going to hear in this case is that operating
21 behind the scenes of Mr. [REDACTED] cases, I use the
22 plural, is a puppet master. A puppet master by the
23 name of Sergeant Ronald Watts. He is a Chicago
24 police officer, he is a tactical sergeant, and he

1 works in the 2nd District which is where Mr. [REDACTED]
2 lives.

3 Judge, you're going to hear that Mr., that
4 Sergeant Watts likes cash, and by that I mean he takes
5 bribes. And he solicited Mr. [REDACTED] for a bribe
6 because he believed Mr. [REDACTED] to be a narcotic dealer
7 in the Ida B. Wells housing project.

8 Mr. [REDACTED] and Mr. Watts had a conversation
9 about that bribe and the upshot of the conversation
10 was that Mr. [REDACTED] wouldn't pay it. Sergeant Watts
11 didn't like this, he was disrespected. So Sergeant
12 Watts decided that he was going to pay Mr. [REDACTED]
13 teach him a lesson and put a case on him.

14 Now, the State has the burden of proving his
15 guilt beyond a reasonable doubt. And when this case
16 is through, when you've heard all of the evidence you
17 will see that there is a lot of reasonable doubt
18 because everything that happened in this case has
19 Sergeant Ronald Watts' fingerprints all over it.

20 And, Judge, not only that even the reports as
21 they're written in the testimony that I believe that
22 is going to be given by the officer in this case
23 contains a tale, an internal inconsistency that is
24 indicative and probative of the fact that this was a

1 case that was fabricated. And when the officer
2 testifies about a statement allegedly made by
3 Mr. [REDACTED] I believe this Court will see the indication
4 of the fabrication at work.

5 And, Judge, at the conclusion of the case I
6 do not believe that the State will have proven to your
7 satisfaction that there is not a lot of reasonable
8 doubt out there as to Mr. [REDACTED] guilt and we would
9 ask you to find him not guilty.

10 THE COURT: Very well.

11 State may call your first witness.

12 MR. LASKARIS: Judge, we'll call Officer Nichols.

13 THE COURT: Who is that?

14 MR. LASKARIS: Officer Nichols.

15 THE COURT: Nichols?

16 MR. LASKARIS: Yes.

17 THE COURT: Step up, raise your right hand,
18 please.

19 (Witness sworn.)
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21
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1 OFFICER NICHOLS,
2 a witness called on behalf of the People of the State
3 of Illinois, being first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. LASKARIS:

7 THE COURT: Be seated, please.

8 MR. LASKARIS:

9 Q Officer, would you please state your name,
10 star number, current unit of assignment, please.

11 A Name is Officer Nichols, N-i-c-h-o-l-s.
12 Star No. 12415, currently assigned to the
13 2nd District, Chicago Police Department tac.

14 Q And, directing your attention to
15 March the 23rd of 2005 were you working as a Chicago
16 police officer on that date?

17 A Yes, I was.

18 Q And where were you assigned?

19 A C.H.A. housing complex area, Ida B. Wells.

20 Q And what were your duties.

21 You were a Chicago housing police at that
22 time?

23 A Yes, I am.

24 Q And what were your duties as a Chicago

1 housing police officer?

2 A Control the Ida B. Wells housing projects.
3 Conduct premise checks at each and every building.

4 Q And are you familiar with the Ida B. Wells
5 housing complex?

6 A Yes.

7 Q And is that located at [REDACTED]
8 Avenue, Chicago, Cook County?

9 A That's correct.

10 Q And is that C.H.A. property residential at
11 that location?

12 A Yes, it is.

13 Q And based on your experience as a police
14 officer that building is managed by the C.H.A.,
15 correct?

16 A Correct.

17 Q Directing your attention to again
18 March the 23rd, 2005, did you go to the location of
19 [REDACTED] Avenue?

20 A Yes, I did.

21 Q And why did you go to that location?

22 A We conducted a premise check for high
23 narcotics activity directed by Sergeant Watts.

24 Q And did you go to that location with anyone?

1 A Yes, I did.

2 Q And who did you go to that location with?

3 A My partner Officer Leano, Star No. 4303.

4 Q Now, you said you went to look for narcotics
5 sells, when you went to that location can you describe
6 the building at [REDACTED]

7 A There is two stairwells, one sort of to the
8 front and another stairwell to the back but they are
9 all interior.

10 Q And you said you went there, how were you
11 dressed?

12 A Plain clothes.

13 Q And how was Officer Leano dressed?

14 A Plain clothes.

15 Q Now, you went to the location
16 approximately --

17 Did you arrive there approximately 3:45 p.m.
18 in the afternoon?

19 A That's correct.

20 Q And you said you would do a premise check how
21 did you do that?

22 A We start at the bottom and work our way up.
23 We conducted by each floor.

24 Q Let me stop you there.

1 You said you started at the bottom and worked
2 your way up?

3 A That's correct.

4 Q Who was with you at this time?

5 A My part another Officer Leano.

6 Q You said there were two stairwells?

7 A That's correct.

8 Q Interior stairwells?

9 A That's correct.

10 Q Which is the back stairwell and the front
11 stairwell?

12 A That's correct.

13 Q Where did you begin your search of the
14 premise or check of the premise, back stairwell or
15 front stairwell?

16 A Back stairwell.

17 THE COURT: You were in the back stairwell?

18 THE WITNESS: Yes, my partner and I was.

19 MR. LASKARIS:

20 Q And what happened?

21 A As we conducted we went up to the second
22 floor, and didn't see anyone up on the second floor,
23 so we approached the third floor and we saw the
24 defendant.

1 Q Okay. Now, can you describe the, what you
2 saw when you got to the third floor?

3 A As we entered the third floor we went through
4 the back stairwell and you have to make a turn,
5 right-hand turn to get to the front stairwell, and
6 that's where we saw the defendant standing in the
7 hallway.

8 Q From the spot where you made the turn and saw
9 the defendant until the time --

10 How far was the defendant away from you at
11 that time?

12 A Approximately five feet.

13 Q And is there any lighting in that area?

14 A Artificial.

15 Q Now, you said you saw the defendant do you
16 see that person here in court today?

17 A Yes, I do.

18 Q Can you point to him and identify a clothing
19 that he is wearing for the Court?

20 A The defendant left of counsel wearing a white
21 button-down shirt.

22 Q Now, besides the defendant were there any
23 other individuals at that location?

24 A Yes, there were.

1 Q How many other individuals?

2 A Two.

3 Q Now, when you said you saw the defendant what

4 else, what, if anything, happened next?

5 A As we saw the defendant he ~~was~~ holding a

6 clear plastic bag containing numerous smaller Ziploc

7 baggies containing white powder substance suspect

8 narcotics.

9 THE COURT: He is holding what now?

10 THE WITNESS: Clear plastic bag, sandwich bag.

11 THE COURT: And it had what other bags?

12 THE WITNESS: Small Ziploc bags.

13 THE COURT: All right.

14 MR. LASKARIS:

15 Q Now, again when you saw this approximately

16 how many feet away from him were you at this time?

17 A Five.

18 Q And what happened next?

19 A We announced our office. After we announced

20 our office the defendant looked at us and fled down

21 the stairs.

22 Q What did you do at that time?

23 A Gave chase.

24 Q And what happened next?

1 A As we were running down the stairwell I said
2 that we were in a foot chase over the radio. Beat
3 264 Boy, Officer Gonzalez, Star No. 12152, and Officer
4 Bolton, Star No. 15903, detained him in the lobby.

5 Q Let's stop there for a moment.

6 Did you chase the defendant down the
7 staircase?

8 A Yes, I did.

9 Q Approximately how many feet behind him were
10 you at this time?

11 A Probably the same distance, probably three
12 feet I was catching up on him.

13 Q Did you ever lose sight of the defendant in
14 the stairwell?

15 A Within seconds because it wraps around the
16 stairs so within seconds I just lost him.

17 Q And did you chase him down into the lobby?

18 A Yes, I did.

19 Q And when he arrived at the lobby what did you
20 see?

21 A 264 Boy detaining him and him holding a clear
22 plastic bag.

23 Q You saying him holding, who had the clear
24 plastic bag?

1 A The defendant.

2 Q What happened next?

3 A I recovered the bag and placed him in
4 custody.

5 Q Can you describe what was in this bag?

6 A It was 110 clear Ziploc baggies containing
7 white powder substance suspect heroin.

8 Q And you said you placed him into custody.
9 After the defendant was placed into custody did you do
10 anything?

11 A Yes, I performed a custodial search.

12 Q And how did you do that?

13 A I searched him, I went in his pocket and
14 recovered one clear plastic bag containing sixty-eight
15 smaller plastic baggies containing white rock like
16 substance suspect crack cocaine.

17 Q Was anything else recovered as a result of
18 this search?

19 A Yes, it was, \$819 suspect U.S.C. suspect
20 narcotics proceeds.

21 Q And where was that recovered?

22 A In his left pants pocket.

23 Q Now, was the defendant taken back to the
24 police station?

1 A Yes, he was.

2 Q And what station would that be?

3 A The 2nd District.

4 Q And was the defendant interviewed regarding

5 narcotics that were recovered from his person?

6 A Yes, he did.

7 Q And where was he interviewed?

8 A In the tac office in the 2nd District.

9 Q And was the defendant Mirandized at that

10 time?

11 A Yes, he was.

12 Q And did you ask the defendant questions

13 regarding the narcotics that were recovered from his

14 person?

15 A Yes.

16 Q And did the defendant make any statement

17 regarding the narcotics that were recovered?

18 A Yes, he did.

19 Q What, if anything, did the defendant say

20 regarding the narcotics that were recovered from his

21 person?

22 A He stated: Them blows are mine but those

23 rocks ain't.

24 THE COURT: He said what?

1 THE WITNESS: Them blows are mine but the rocks
2 ain't.

3 MR. LASKARIS:

4 Q And you are familiar with narcotics, narcotic
5 transactions, correct, officer?

6 A Correct.

7 Q And what are blows?

8 A Blows are heroin.

9 Q And what are rocks?

10 A Crack cocaine.

11 Q Now, those plastic bags that you recovered
12 from the defendant were they kept in your constant
13 care and custody until you turned them over to Officer
14 Leano?

15 A That's correct.

16 MR. LASKARIS: One moment, Judge.

17 (Whereupon, a brief pause was had:)

18 MR. LASKARIS: Nothing further.

19 THE COURT: You may inquire, Mr. Mahoney.

20 MR. MAHONEY: Thank you, your Honor.

21 CROSS-EXAMINATION

22 BY MR. MAHONEY:

23 Q Mr. Nichols, you stated that when you got
24 back to the 2nd District you gave Mr. [REDACTED] his

1 Miranda warnings?

2 A That's correct.

3 Q And after you gave him his Miranda warnings
4 you asked him if he would like to speak to you, is
5 that correct?

6 A That's correct.

7 Q And he said he would, is that correct?

8 A That's correct.

9 Q And he stated: Them blows are mine but the
10 rock ain't. Is that correct?

11 A That's correct.

12 Q Well let's just back up a second here.

13 The blows you said is a street term for
14 heroin, is that correct?

15 A That's correct.

16 Q And rocks is a street term for crack cocaine,
17 is that correct?

18 A That's correct.

19 Q All right. Where did you testify that you
20 recovered the blows, the heroin from?

21 A In his right hand.

22 Q And where did you testify that you recovered
23 the rock, the cocaine from?

24 A In his right pants pocket.

1 Q So, it is your testimony here today that he
2 stated, that Mr. [REDACTED] stated to you the stuff in my
3 hand is mine but I don't know nothing about that stuff
4 in my pocket?

5 A That is what he stated.

6 Q Now, you say that on March the 23rd, 2005,
7 you were told to go to [REDACTED] is that
8 correct?

9 A Yes.

10 Q Who told you to go there?

11 A Sergeant Watts.

12 Q Do you work for Sergeant Watts?

13 A Yes, I do.

14 Q Did Sergeant Watts tell you why he wanted you
15 to go there?

16 A There is high narcotics activity in that
17 building.

18 Q Did he tell you to look for anybody in
19 particular?

20 MR. LASKARIS: Objection, hearsay.

21 THE COURT: Overruled.

22 THE WITNESS: No.

23 MR. MAHONEY:

24 Q Just told you to go there and check that?

1 A That's correct.

2 Q Did Sergeant Watts tell you where to go once
3 you got inside?

4 A No.

5 Q Now, Sergeant Watts is your supervisor,
6 correct?

7 A That's correct.

8 Q How long have you known Sergeant Watts?

9 A I got on his team in November of 2004.

10 Q Did you know him prior to getting on his
11 team?

12 A No.

13 Q And now as your supervisor Sergeant Watts
14 writes your performance reviews?

15 A That's correct.

16 Q Which determines whether or not you are
17 promoted or may get raises or things like that?

18 A No.

19 Q Your performance reviews don't have any
20 effect on that?

21 A We have to take a test to get promoted and
22 our raises are annual.

23 Q Now, does Sergeant Watts approve your time
24 off?

1 A He puts it in but he doesn't approve -- he
2 puts it in.

3 Q And he can choose to put it in or not put it
4 in, correct?

5 A It can get denied not by him by others, by
6 our tac lieutenant.

7 Q Now, do you know from your knowledge if
8 Sergeant Watts that he grew up in Ida B. Wells housing
9 project?

10 MR. LASKARIS: Judge, I object to that question.

11 THE COURT: Overruled.

12 THE WITNESS: I am not -- I don't know, I can't
13 say yes, I can't say no.

14 MR. MAHONEY:

15 Q You say that when you first encountered
16 Mr. [REDACTED] there were two other individuals present, is
17 that correct?

18 A Correct.

19 Q Okay. Did you have your gun holstered or
20 drawn at that point?

21 A It was holstered.

22 Q Now, these three individuals did you tell
23 them to do anything?

24 A I announced my office.

1 Q Okay. So you said I'm police?
2 A That's correct.
3 Q And did you tell them to do anything?
4 A No.
5 Q You didn't tell them to get up against the
6 wall?
7 A No.
8 Q Now, at that point what happened next?
9 A As I announced my office I saw the defendant
10 run down the stairs.
11 Q What did the other two individuals do?
12 A I don't know, my attention was to the
13 defendant.
14 Q You weren't looking to see if these other two
15 guys had a gun or anything?
16 A I don't believe they did.
17 Q Well how do you know you weren't look at
18 them?
19 MR. LASKARIS: Objection, argumentative.
20 THE COURT: Sustained.
21 MR. MAHONEY:
22 Q Did you look at these other two individuals
23 to see if they had a gun?
24 A I saw them.

1 Q And then you just started chasing Mr. [REDACTED]
2 A Correct.
3 Q Now, you say that you chased Mr. [REDACTED] down
4 the stairs and that another unit took Mr. [REDACTED] into
5 custody, is that correct?
6 A No, not into custody.
7 Q Okay, they detained him?
8 A That's correct.
9 Q Okay. When they detained him did they
10 tackle him?
11 A No.
12 Q Did they handcuff him?
13 A No.
14 Q Was he fighting with them?
15 A No.
16 Q He was just simply standing there?
17 A That's correct.
18 Q So he run from you but he stopped for the
19 other officers?
20 A Yes.
21 Q Okay. Now, and you say Mr. [REDACTED] how far
22 is Mr. [REDACTED] from these officers who he stopped for?
23 A Excuse me?
24 Q How far was Mr. [REDACTED] from the officers that

1 he had stopped for when you had first got down to the
2 first floor?

3 A They were right in front of each other.

4 Q So they were within two to three feet?

5 A That's correct.

6 Q And Mr. [REDACTED] wasn't fighting them?

7 A No.

8 Q Wasn't trying to run?

9 A No.

10 Q Did they have their gun on him?

11 A I don't believe so, no.

12 Q But these officers --

13 Mr. [REDACTED] has a bag of narcotics in his hands
14 that you could readily detect from five feet away back
15 up on the third floor?

16 A That's correct.

17 Q And they hadn't removed it from his hand?

18 A I was within seconds.

19 Q Now, the state's attorney asked you some
20 questions about your experience, did you go to the
21 police academy?

22 A Yes, I did.

23 Q And were you trained to observe and detect
24 crime?

1 A Not in the police academy but in my field of
2 experience I am.

3 Q So you have experience observing and
4 detecting and looking for criminals, correct?

5 A Yes.

6 Q And you're pretty good at it, aren't you?

7 A I would say so.

8 Q Have you seen Sergeant Watts engage in
9 anything that you think was criminal activity?

10 MR. LASKARIS: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: Excuse me?

13 MR. MAHONEY:

14 Q Have you ever seen Sergeant Watts engage in
15 anything that you might suspect was criminal activity?

16 A No.

17 Q Never?

18 A No.

19 Q And you've worked how long with Sergeant
20 Watts?

21 A Since November of 2004.

22 Q So that would be about a year and-a-half?

23 A A year and-a-half.

24 Q Now, as Mr. [REDACTED] was running down the stairs

1 he never tried to throw this bag that was in his hand?

2 A No.

3 MR. MAHONEY: I have nothing further, your Honor.

4 THE COURT: Very well.

5 Any Redirect, Mr. Laskaris?

6 MR. LASKARIS:

7 REDIRECT EXAMINATION

8 BY MR. LASKARIS:

9 Q Sergeant Watts, he is your sergeant?

10 A That's correct.

11 Q And you report to Sergeant Watts, correct?

12 A Yes.

13 Q And you testified what your duties are as a
14 C.H.A. officer?

15 A C.H.A. officer, Ida B. Wells.

16 Q In Ida B. Wells.

17 And Sergeant Watts, is it unusual for
18 Sergeant Watts to direct you to a spot to search for
19 narcotics?

20 A Not at all.

21 MR. LASKARIS: I have nothing further.

22 MR. MAHONEY: Nothing based on that, your Honor.

23 THE COURT: Thank you, sir, you may step down.

24 (Witness excused.)

1 MR. LASKARIS: Judge, we'll proceed by
2 stipulation at this time.

3 THE COURT: Yes.

4 MR. LASKARIS: Stipulation to a chain of custody
5 and chemical composition of recovered substance.

6 Now come the People of the State of Illinois
7 by their attorney Richard A. Divine, State's Attorney
8 of Cook County, through his assistant Bill Laskaris,
9 and the defendant [REDACTED] by and through counsel
10 Matt Mahoney. It is by stipulated by and between the
11 parties that if Officer Leano, Star No. 4303.

12 THE COURT: How do you spell that?

13 MR. LASKARIS: L-e-a-n-o. Star No. 4303 were
14 called to testify he would testify as follows:

15 That on March the 23rd, 2005, he received
16 from Officer Nichols, Star No. 12415, two plastic bags
17 which contained 110 and 68 smaller plastic bags
18 respectively which he kept within the safekeeping and
19 control from the time of receipt until the inventory
20 of said items.

21 That he inventoried those items under
22 Inventory No. 10503356 pursuant to Chicago Police
23 Department inventory procedures by heat sealing them
24 and in an inventory envelope for delivery to the

1 Illinois State Police crime lab.

2 That when the items left his possession they
3 were in a sealed condition. That if he were shown
4 inventory listed in 1B above in open court he would
5 testify that the items are in substantially the same
6 condition with the exception of crime lab notation
7 markings made through in analysis as when they were
8 recovered.

9 It is further stipulated that if
10 Joseph Gillono, G-i-l-l-o-n-o, a forensic chemist with
11 the Illinois State Police crime lab were called to
12 testify he would testify that he received the
13 inventory listed in 1B above in a heat sealed
14 condition from the Chicago Police Department. That
15 said inventory envelope was opened and found to
16 contain 110 and 68 items of plastic bags.

17 That forensic chemist Joseph Gillono employed
18 by Illinois State Police crime is qualified to testify
19 as an expert in the area of forensic chemistry and all
20 the equipment used was tested, calibrated, and
21 functioning properly when the items were tested.

22 That the chemist performed tests commonly
23 accepted in the area of forensic chemistry for as
24 ascertaining the presence of controlled substance on

1 the item described above. That after performing the
2 tests on the contents of 41 of the 110 items and 26 of
3 the 68 items recovered the chemist's expert opinion
4 within a reasonable degree of scientific certainty
5 that the contents of the 41 bags of the 110 that were
6 tested were positive for presence of heroin and the
7 actual weight was 15.3 grams.

8 It is further in his expert opinion within a
9 reasonable degree of scientific certainty that 26 of
10 the 68 bags were tested were positive for the presence
11 of cocaine and the actual weight of the 26 out of 68
12 bags which were tested was 5.3 grams.

13 That the chemist would further testify that
14 the items estimated a total weight of the 110 items
15 would be 41.1 grams and the total estimated weight of
16 the 68 bags would be 13.9 grams.

17 That after the testing and analysis of
18 Inventory No. 10503356 was complete he would further
19 testify that it was again sealed and he would be able
20 to identify in open court as the same items that he
21 tested, that they were still in a sealed condition.
22 And that a proper chain of custody was maintained at
23 all times.

24 So stipulated?

1 MR. MAHONEY: So stipulated, your Honor.
2 MR. LASKARIS: Just so that the record is clear,
3 Judge, the officer identified the defendant in open
4 court.
5 MR. MAHONEY: So stipulated.
6 THE COURT: Yes.
7 MR. LASKARIS: Nothing further, Judge.
8 THE COURT: State rest?
9 MR. LASKARIS: Yes.
10 (State rest.)
11 MR. MAHONEY: Judge, at this time I would make a
12 motion for a directed finding. No argument.
13 THE COURT: Motion is denied.
14 MR. MAHONEY: Thank you, your Honor.
15 At this time the defense would call
16 Mr. [REDACTED]
17 THE COURT: Step up, Mr. [REDACTED] raise your right
18 hand, please.
19 (Defendant sworn.)
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[REDACTED]
the defendant herein, called as a witness on his own
behalf, being first duly sworn, was examined and
testified as follows:

DIRECT EXAMINATION

BY MR. MAHONEY:

THE COURT: Be seated, please.

MR. MAHONEY:

Q Mr. [REDACTED] I'm going to ask you some
questions but before I do I want to ask you to speak
up in a loud clear voice so that everyone can hear you
and the court reporter can take down what you say,
okay.

Sir, please state your name and spell your
last name.

A [REDACTED]

Q And you are the defendant in this case, is
that correct?

A Yes.

Q How old are you?

A Thirty-three.

Q Where do you live?

A [REDACTED]

Q And did you live at [REDACTED] on

1 March the 23rd of 2005?

2 A Yes.

3 Q How long have you lived there?

4 A Since July of '97.

5 Q And who do you live there with?

6 A My wife [REDACTED] and our three kids.

7 Q Three boys?

8 A Yes.

9 Q How old are they?

10 A Thirteen, twelve, and eleven.

11 Q Now, do you know an individual by the name of

12 Ronald Watts?

13 A Yes.

14 Q How long have you known him?

15 A Roughly three to four years.

16 Q Okay. And do you know what his job is?

17 A He is a sergeant for the tactical team.

18 Q On the Chicago Police Department?

19 A Chicago Police Department.

20 Q Okay. Now, before I ask you any more

21 questions I have to ask you about your background.

22 Sir, have you ever been convicted of a

23 felony?

24 A Yes.

1 Q Now, and specifically in April of 2003 under
2 case number 02-CR-5992 did you plead guilty to
3 possession of controlled substance and receive
4 twenty-four months probation in front of Judge Toomin?

5 A Yes.

6 Q And in September of 1994 two cases both
7 93-CR-128397 the other 27089?

8 THE COURT: Wait, what are those case numbers?

9 MR. MAHONEY: I apologize, they are both 93 case
10 numbers first one is 28397 and the second is 27089.

11 THE COURT: Those are 04 cases?

12 MR. MAHONEY: 93 cases.

13 THE COURT: 93?

14 MR. MAHONEY: Yes.

15 THE COURT: Go ahead.

16 MR. MAHONEY:

17 Q And did you plead guilty to aggravated
18 battery with a firearm and you pled guilty to unlawful
19 use of weapons?

20 A Yes.

21 Q And did you get six years on the aggravated
22 battery with a firearm and two years concurrent on the
23 U.U.W.?

24 A Yes.

1 Q And under case No. 89-CR-24840 in December of
2 1990 did you again plead guilty to possession of
3 controlled substance, receive one year probation which
4 was terminated satisfactory?

5 A Yes.

6 Q Back to Sergeant Watts, have you ever had any
7 conversations with Sergeant Watts about narcotics
8 activity in and around [REDACTED]

9 A Yes.

10 MR. LASKARIS: I object -- I withdraw that
11 objection.

12 MR. MAHONEY:

13 Q How many times?

14 A Upwards of twenty, maybe more.

15 THE COURT: Twenty did you say?

16 THE WITNESS: Yes.

17 MR. MAHONEY:

18 Q In June of 2004 did you become aware that
19 Sergeant Watts was looking for you?

20 A Yes.

21 Q Did you know why or what about?

22 A Yes, he told me --

23 MR. LASKARIS: I'll object to speculation and
24 hearsay at this time.

1 THE COURT: Overruled.
2 MR. MAHONEY:
3 Q Please proceed.
4 A Yes, I received a phone call saying that
5 Sergeant Watts and his guys found some narcotics in
6 the mailbox.
7 MR. LASKARIS: Judge, I'll object.
8 THE WITNESS: And they said it was mine and when
9 they see me they'll put it on me.
10 MR. LASKARIS: Objection, it is hearsay.
11 THE COURT: Goes to his state of mind.
12 MR. LASKARIS: Lacking foundation as to the phone
13 call.
14 THE COURT: Lay the proper foundation.
15 MR. MAHONEY:
16 Q June of 2004 you received a telephone call
17 where were you when you received this call?
18 A With my fiancée at the time.
19 Q Where were you?
20 A I think we were picking the kids up from
21 school.
22 Q And where is school located?
23 A On 37th and Giles.
24 Q And did you receive this call on the cellular

1 phone?

2 A Yes.

3 Q Who was calling you?

4 A My friend named [REDACTED]

5 THE COURT: Who?

6 THE WITNESS: [REDACTED] my friend.

7 THE COURT: [REDACTED]

8 THE WITNESS: Yes.

9 MR. MAHONEY:

10 Q And did [REDACTED] tell you anything

11 about Sergeant Watts?

12 A Yes.

13 Q What did he say?

14 MR. LASKARIS: I'll object at this time again.

15 THE COURT: It's going to his state of mind

16 that's the only reason it is coming in.

17 Go ahead.

18 MR. MAHONEY:

19 Q What did he tell you?

20 A He told me that Watts and the other officers

21 was at the building, they got some stuff out the

22 mailbox and they said it was mine and when they see me

23 they was putting it on me, I was going to jail.

24

1 MR. MAHONEY:

2 Q Okay. Now, when you say they got some stuff

3 what do you mean by stuff?

4 A Drugs, some heroin, heroin out the mailbox.

5 Q Out of the mailbox in the building at

6 527 East Browning?

7 A Yes.

8 Q And that when they saw you they were going to

9 put it on you?

10 A Yes.

11 Q Now, I want to direct your attention to

12 June the 20th of 2004 were you approached by an

13 individual by the name of [REDACTED]

14 A Yes.

15 Q Do you know [REDACTED]

16 A Yes.

17 Q Does he live in Ida B. Wells?

18 A Yes.

19 Q Do you know whether or not he has any

20 association with Sergeant Ronald Watts?

21 A Yes.

22 Q What is his association with Watts?

23 A He is Watts' snitch.

24 MR. LASKARIS: Objection, leading and

1 speculation.

2 THE COURT: Sustained.

3 MR. MAHONEY:

4 Q Did you have a conversation with

5 [REDACTED]

6 A Yes.

7 Q And who was present for the conversation?

8 A Me, my wife, [REDACTED]

9 Q And did he tell you something about Sergeant

10 Watts?

11 A Yes.

12 Q Did he tell you that Sergeant Watts wanted to

13 talk to you?

14 A Yes.

15 Q Did you and [REDACTED] go somewhere?

16 A Yes.

17 Q Where did you go?

18 A We went to a pay phone on 47th between

19 Michigan and Wabash.

20 Q Okay. And how far from 527 East Browning

21 was that pay phone?

22 A About a mile and-a-half.

23 Q Who drove there?

24 A Me.

1 Q Who rode with you?
2 A [REDACTED]
3 Q You and [REDACTED] drove there?
4 A Yes.
5 Q When you got to the pay phone what happened?
6 A [REDACTED] got out, I got out, and he called
7 Sergeant Watts I guess it was Sergeant Watts.
8 MR. LASKARIS: Objection, Judge, speculation.
9 THE COURT: Sustained.
10 MR. MAHONEY:
11 Q So [REDACTED] made a telephone call?
12 A Yes.
13 Q And you don't know who was on the other line
14 at that point, do you?
15 A No.
16 Q Who did [REDACTED] say?
17 A He said I have Little [REDACTED] right here.
18 Q Let me stop you.
19 When you say Little [REDACTED] who is that?
20 A That is me, that is what [REDACTED] call me.
21 MR. LASKARIS: Judge, I'll object to hearsay to
22 what [REDACTED] said at this time.
23 THE COURT: Pardon me?
24 MR. LASKARIS: I'll object to what [REDACTED] any

1 statement of [REDACTED] at this time.

2 THE COURT: Overruled.

3 MR. MAHONEY:

4 Q So what did [REDACTED] say into the phone?

5 A [REDACTED] said I have Little [REDACTED] right here
6 and he is ready to work it out.

7 Q Now, who did you believe he was talking to?

8 A Sergeant Watts.

9 MR. LASKARIS: Objection.

10 THE COURT: Sustained.

11 MR. MAHONEY:

12 Q What happened next?

13 A Then he told [REDACTED] don't call on this phone
14 you have to call on my cell phone.

15 Q And did [REDACTED] then hang up the
16 phone?

17 A Yes.

18 Q Did [REDACTED] then make another call?

19 A Yes.

20 Q From the same pay phone?

21 A Yes.

22 Q And did he speak with someone on the other
23 end during that conversation?

24 A Yes.

STATE OF ILLINOIS } ss:
COUNTY OF COOK }

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook
County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above
and foregoing to be a true, perfect and complete copy of VOLUME (ONE) OF A (TWO)
VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS, ONLY. NO PRAECIPE HAVING BEEN
FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE
COURT NO. 06-3352

in a certain cause _____ LATELY _____ pending in said Court, between
The People of the State of Illinois _____ WERE _____, Plaintiffs and
_____ WAS _____, Defendant.

Witness: DOROTHY BROWN,

Clerk of the court, and the Seal thereof, at Chicago

In said County, JULY 06., 2007



Dorothy Brown / P.R.
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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05CR008982/A003

Appeal
to

APPELLATE

Court of Illinois
District

FIRST

Circuit Court No. 05 CR 8982

Trial Judge MICHAEL TOOMIN

Reviewing Court No. 06-3352

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

[REDACTED]

from
CIRCUIT COURT
of
COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

TWO OF TWO VOLUMES
REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

Per DB/PR
Deputy

FILED APPELLATE COURT
APR 7 4 11:02
JEROME H. RAY
CLERK OF COURT

1 Q What was said at that point?

2 A He said I got Little [REDACTED] right here, he
3 ready to work it out.

4 Q Now, at some point did you get on the
5 telephone?

6 A Yes.

7 Q Okay. How did that come about?

8 A Okay, [REDACTED] said that Sergeant Watts said
9 it is going to cost a thousand dollars for him not
10 to --

11 Q So [REDACTED] told you that Sergeant Watts said
12 it is going to cost a thousand?

13 A Yes.

14 Q And what did you take that to mean?

15 A That if I gave him a thousand dollars that
16 the case would go away.

17 Q When you say him you mean Sergeant Watts?

18 A Yes.

19 Q Did you have any case pending at that time,
20 had you been arrested for any case?

21 A No.

22 Q So what did you believe they were talking
23 about?

24 A The stuff they got out of the mailbox that

1 they said that he was going to put on me.

2 Q What happened next?

3 A So I said well let me talk to him.

4 Q And when you said let me talk to him did you

5 ~~get on the phone?~~

6 A Yes.

7 Q And did you speak to someone?

8 A Yes.

9 Q Who did you speak to?

10 A Sergeant Watts.

11 MR. LASKARIS: Object to foundation.

12 MR. MAHONEY:

13 Q Have you ever spoken to Sergeant Watts,

14 before that day how many times had you spoken with

15 Sergeant Watts?

16 A Numerous times.

17 Q Well, when you say numerous can you give us

18 an estimate?

19 A I would say more than thirty.

20 Q More than thirty?

21 A More than thirty.

22 Q And you recognize Sergeant Watts' voice?

23 A Yes.

24 Q And when you got on the telephone was there

1 any doubt in your mind who you were talking to?

2 A No.

3 Q What did you say to Sergeant Watts and what
4 did he say to you?

5 A I said so if I give [REDACTED] this thousand
6 dollars we're cool? He said well, I'm cool. I said
7 what about me? He said well do you want the truth or
8 do you want me to BS you. I said I want the truth.

9 Q Okay, and you said you wanted the truth.
10 What happened then?

11 A He said well you're going to have to fight
12 the case.

13 Q Now, did you know what case he was talking
14 about?

15 A Yes.

16 Q What case was that?

17 A The narcotics he got out of the mailbox.

18 Q And you hadn't been arrested or charged with
19 that yet?

20 A No.

21 Q So he said you're going to have to fight the
22 case then what happened?

23 A But you will beat it.

24 Q He told you you would beat it?

1 A Yes.

2 Q And this was a case that you hadn't even been
3 arrested for?

4 A Yes.

5 Q What happened next?

6 A I said so if I give you a thousand dollars it
7 shouldn't even be no case. He said well you wanted
8 the truth. I said well you can pick [REDACTED] up on
9 46th and Wabash and hung up the phone.

10 Q And you hung up the telephone?

11 A Yes.

12 Q And you left his boy [REDACTED] there?

13 A Yes.

14 Q And you left the scene?

15 A Yes.

16 Q So, it is your testimony that you told
17 Sergeant Watts that you wouldn't pay him his bribe?

18 A Yes.

19 MR. LASKARIS: Object to the foundation, when.

20 THE COURT: Sustained.

21 MR. MAHONEY:

22 Q During that telephone conversation that we
23 just discussed you told Sergeant Watts that you
24 wouldn't pay him his bribe?

1 A Yes.

2 Q I want to direct your attention now to
3 twenty-two days later July the 12th of 2004, did you
4 see Sergeant Watts?

5 A Yes.

6 Q Where did you see him?

7 A He knocked on the door, him and some more
8 officers.

9 Q When you say the door, the door of what?

10 A To our apartment.

11 Q And that would be [REDACTED]

12 A Yes.

13 Q And that is in [REDACTED]

14 A Yes.

15 Q Did you answer the door?

16 A No, my wife did.

17 Q Okay. And were you able to see when your
18 wife answered the door?

19 A Yes.

20 Q What happened?

21 A They came in -- Officer Watts and about three
22 more guys came in with guns drawn.

23 Q They had their guns drawn?

24 A Yes.

1 Q What happened next?

2 A He asked her who is in the house, she say

3 just me, my guy and his friend which me and my friend

4 [REDACTED] was sitting in the front room and you

5 could see us as soon as you come through the door.

6 Q So it was your wife [REDACTED] you say?

7 A Yes.

8 Q And what happened next?

9 A So he started searching the house.

10 Q Watts did?

11 A Yeah, him and the guys. I'm like what is

12 this for. He said you were just in the hallway

13 serving.

14 Q Had you just been in the hallway searching?

15 A No.

16 MR. LASKARIS: I'll object to the hearsay at this

17 time.

18 THE COURT: What?

19 MR. LASKARIS: I'll object to the hearsay what

20 the individuals said in the apartment.

21 THE COURT: Overruled.

22 MR. MAHONEY:

23 Q Had you been in the hallway serving?

24 A No.

1 Q What happened next?

2 A So they, he told them, he told the other
3 officer to put me and [REDACTED] in cuffs. And they
4 proceeded to search the house. So as they're
5 ~~searching the house I'm talking like man this is bogus~~
6 why you all up in here. And he said you were in the
7 hallway searching and we find something everybody in
8 here is going to jail and if we don't find nothing
9 you're going for what was in the mailbox.

10 Q And when he said you're going you were making
11 a pointing motion with your hand he was pointing at
12 you?

13 A Yes, sir.

14 Q Did the officers find anything when they
15 searched your apartment?

16 A No.

17 Q Did you go to jail?

18 A Yes.

19 Q Just like Sergeant Watts said?

20 A Yes.

21 Q What did you get charged with?

22 A Possession.

23 Q And was that the drugs that were found in the
24 mailbox?

1 A Yes.

2 Q Now, when Watts said you're going to jail for
3 the stuff in the mailbox was that the same stuff that
4 is narcotics that he solicited a bribe for?

5 A Yes, sir.

6 Q Now, were you in jail while that case was
7 pending?

8 A Yes.

9 Q How long were you in for?

10 A About four, four and-a-half months.

11 Q And was that case dismissed by the State
12 November of 2004?

13 MR. LASKARIS: Objection, Judge, objection to
14 relevance.

15 THE COURT: Sustained.

16 MR. MAHONEY:

17 Q You were released from Cook County Jail?

18 A Yes.

19 MR. LASKARIS: Objection.

20 MR. MAHONEY:

21 Q About a week after your release did you have
22 a conversation with Sergeant Watts or, I'm sorry, with
23 somebody?

24 A Yes.

1 Q Who was that?

2 A Detective named AJ.

3 Q When you say detective, detective is he a

4 member of Watts' team?

5 A Yes.

6 Q Did you know his name?

7 A I just know his last name is Jones.

8 Q So, could that be Police Officer Alvin Jones?

9 A Yeah.

10 Q You call him AJ?

11 A Yeah.

12 Q Okay. Where did you have a conversation

13 with AJ?

14 A On the side of [REDACTED]

15 Q So were you outside?

16 A Yes.

17 Q Who was present for this conversation?

18 A It was AJ and another officer that I can't

19 recall and it was me and another guy.

20 Q Who was the other guy?

21 A I think his name was [REDACTED]

22 (phonetic).

23 Q How long have you known AJ?

24 A About three or four years.

1 Q Have you ever seen him with Sergeant Watts?
2 A Yes.
3 Q How many times?
4 A Majority of the times that they're over there
5 he drives the car and Sergeant Watts sits in the
6 passenger seat.
7 Q So you actually see them together?
8 A Yeah, usually.
9 Q How many times have you seen them together?
10 A Over fifty times.
11 Q What did AJ say to you?
12 A He said why you looking at me like that.
13 Q And he was speaking to you?
14 A Yes.
15 Q And what did you say?
16 MR. LASKARIS: I'll object to hearsay and I'll
17 objecting to all of this testimony regarding
18 July the 12th, 2004, be stricken, it is irrelevant to
19 this case.
20 MR. MAHONEY: Judge, I'm ultimately going to tie
21 it up.
22 THE COURT: I don't know if it is or isn't, we
23 are going to find out.
24 MR. LASKARIS: Okay.

1 MR. MAHONEY:

2 Q So AJ said to you what, I'm sorry?

3 A He said why are you looking at me like that.

4 Q And what did you say?

5 A ~~I say because you know that was some BS y'all~~
6 put that case on me.

7 Q And when you say BS you mean that it was
8 bullshit, a lie?

9 A Yeah.

10 Q And what were you referring to?

11 A The mailbox case.

12 Q What did AJ say when you told him that was
13 BS?

14 A He said well --

15 MR. LASKARIS: Judge, I'll object.

16 THE WITNESS: He said that is part of the game,
17 you win some you lose some.

18 THE COURT: Overruled.

19 Go ahead.

20 MR. MAHONEY:

21 Q What did he say?

22 A He said that is part of the game you win some
23 you lose some, you won this one because Kenny, excuse
24 me, fucked up on his testimony.

1 Q Was Kenny one of the officers that testified
2 against you in the mailbox case?
3 A Yes.
4 THE COURT: Wait, I am not getting this.
5 He said it is part of the game and what?
6 THE WITNESS: He said it is part of the game you
7 win some you lose some. Kenny fucked up on his
8 testimony.
9 THE COURT: Who did?
10 THE WITNESS: Kenny, his partner.
11 THE COURT: Kenny?
12 THE WITNESS: Yeah, I think it is Kenneth Young.
13 THE COURT: Go ahead.
14 MR. MAHONEY:
15 Q So, AJ was referring to the mailbox case that
16 you had beat, is that correct?
17 A Yes.
18 Q Did he tell you anything about any subsequent
19 cases?
20 A He said, after he said that he said next time
21 we get you it will stick.
22 Q I'm sorry?
23 A He said next time he get me he said it will
24 stick.

1 Q It will stick?

2 A Yeah.

3 Q Did he say anything about making sure of

4 that?

5 A Yeah.

6 Q What did he say?

7 A He said next time I put this case on you it's

8 going to stick, Kenny ain't going to be able to fuck

9 up the testimony.

10 Q So he said next time I put a case on you it's

11 going to stick, Kenny is not going to be able to fuck

12 up the testimony?

13 A Yes.

14 Q What did you understand that to mean?

15 MR. LASKARIS: Objection.

16 THE WITNESS: Exactly --

17 THE COURT: Overruled.

18 THE WITNESS: Exactly what he said.

19 MR. MAHONEY:

20 Q What is that?

21 A That he is going to put a case on me.

22 Q Now, I want to direct your attention to

23 March the 23rd of 2005 the case that you are here for

24 today?

1 A Yes.

2 Q About 3:40 p.m. where were you?

3 A Coming down the stairwell.

4 Q Where were you going?

5 A -- I was going to get my mother a birthday gift
6 because that is her birthday March the 23rd.

7 Q Were you with anybody?

8 A No.

9 Q By the time you got down --
10 Where were you coming from?

11 A I was coming from the sixth floor, apartment
12 608.

13 Q By the time you got down to the third floor
14 did you run into anybody else?

15 A Yeah, there were two individuals standing in
16 the hallway.

17 Q Do you know who they were?

18 A Yes.

19 Q Who were they?

20 A It's [REDACTED] and [REDACTED]

21 Q Are those the only names you know them by?

22 A Well, I know [REDACTED] that's [REDACTED] but
23 I don't know [REDACTED] real name.

24 Q Do you know what [REDACTED] and [REDACTED] were

1 doing?

2 A Selling drugs.

3 Q Now, while you were walking down the stairs
4 and you passed by [REDACTED] and [REDACTED] did something
5 happen?

6 A Yes.

7 Q What happened?

8 A Officer Nichols came out the hallway into the
9 stairwell with his gun drawn.

10 Q Now, was Officer Nichols in uniform?

11 A No.

12 Q Did he have his gun drawn?

13 A Yes.

14 Q Was he with a partner?

15 A No.

16 Q Where was the gun pointed?

17 A At me.

18 Q What did Officer Nichols say?

19 A He said you gentlemen come out of the
20 stairwell into the hallway.

21 Q And did you do that?

22 A Yes.

23 Q What did Officer Nichols say after that?

24 A He said get on the wall, put y'all hands on

1 the wall.

2 THE COURT: He said what?

3 THE WITNESS: Put your hands on the wall.

4 MR. MAHONEY:

5 Q Did you put your hands on the wall?

6 A Yes.

7 Q Did [REDACTED] and [REDACTED]

8 A Yes.

9 Q What happened next?

10 A [REDACTED] took off running.

11 Q [REDACTED] took off running?

12 A Yeah.

13 Q Which way did he go?

14 A To the stairwell closest to us.

15 Q What did Officer Nichols do?

16 A He looked. Then I took off running.

17 Q Then you took off running?

18 A Yeah.

19 Q Why did you run?

20 A Because [REDACTED] had the bags of cocaine in his

21 hands and they told --

22 Q [REDACTED] had the bags in his hands?

23 A Yeah, and Watts -- well AJ said they were

24 going to put another case on me.

1 Q And you knew Nichols to be part of Watts'
2 team?
3 A Yes.
4 MR. LASKARIS: Objection.
5 MR. MAHONEY:
6 Q So you ran, what happened when you ran?
7 A I ran down to the first floor. When I get
8 to the first floor to go out the doorway Manny,
9 Nichols' partner, came into the front door and put his
10 hands on my chest like that.
11 Q So Manny wasn't up on the third floor with
12 Officer Nichols?
13 A No.
14 Q He was down on the first floor?
15 A Yes, by the car.
16 Q And when he put his hand up and you indicated
17 a stopping gesture?
18 A Yes.
19 Q Did you stop?
20 A Yes.
21 Q Did you have any plastic bags in your hand?
22 A No.
23 Q Did you have any plastic bags in your pocket?
24 A No.

1 Q Did you have any narcotics on you?
2 A No.
3 Q And you stopped for Manny, is that correct?
4 A Yes.
5 Q Did you try to fight Manny?
6 A No.
7 Q Did you try to run away from Manny?
8 A No.
9 Q After you ran into Manny was Nichols anywhere
10 around?
11 A No, he was still in the stairwell.
12 Q Okay. Was he five feet behind you?
13 A No.
14 Q Okay. When you stopped for Manny did you
15 see Officer Nichols again?
16 A Yeah, once Officer Manny put me in handcuffs,
17 searched my pockets, and put me in the back seat of
18 the squad.
19 Q Then you saw Officer Nichols again?
20 A Yeah, then Officer Nichols came out with the
21 two bags.
22 Q He came out of where?
23 A Out of the building.
24 Q He didn't come right out of the stairwell

1 right after you?

2 A No.

3 Q And you say this officer that you know as
4 Manny had already handcuffed you, searched you, and
5 put you in his car?

6 A Yes.

7 Q And that was before you ever saw Nichols
8 again?

9 A Yes.

10 Q Well, Mr. [REDACTED] you were here, you heard
11 Officer Nichols testify that he took the bag out of
12 your hand in the lobby, is that true?

13 A No.

14 Q You said he also took a bag out of your
15 pocket in the lobby, is that true?

16 A No.

17 Q Now, after Manny put you in the police car
18 and Nichols came out of the building did Nichols get
19 into the police car?

20 A Well, he gave Manny the two bags because
21 Manny was still outside the car.

22 Q Okay.

23 A And then my wife came down and said what's
24 wrong. And he said --

1 MR. LASKARIS: Objection, hearsay at this time.
2 THE COURT: Sustained.
3 MR. MAHONEY:
4 Q So, after Officer Manny gave Nichols or, I'm
5 sorry, after Officer Nichols gave Manny the two bags
6 what happened?
7 A Then he told my wife, my wife said --
8 MR. LASKARIS: Objection to hearsay, Judge.
9 THE COURT: Sustained.
10 MR. MAHONEY:
11 Q Yeah, what that means is you can't say what
12 your wife said.
13 But let's move on to your wife came out,
14 correct?
15 A Yes.
16 Q And then what did Officer Nichols do next?
17 A She asked him a question and he told her to
18 get the hell on, and he ran from me he's going to
19 jail.
20 MR. LASKARIS: Objection, Judge, hearsay again.
21 THE COURT: I'll strike it.
22 MR. MAHONEY:
23 Q Did Officer Nichols get in the car?
24 A Yes.

1 Q And that was --
2 And did Officer Manny get in the car?
3 A Yes.
4 Q You were in the back seat?
5 A Yes.
6 Q Was anyone else in the car?
7 A No.
8 Q Did anyone make a phone call?
9 A Yes.
10 Q Who?
11 A Nichols got on the cell phone.
12 Q And did he speak to someone?
13 A Yes.
14 Q What did he say?
15 A He said well I got [REDACTED] in --
16 MR. LASKARIS: Objection, hearsay, Judge.
17 THE COURT: Sustained.
18 MR. MAHONEY:
19 Q So he had a conversation with someone, is
20 that correct?
21 A Yes.
22 Q Within sixty seconds of that conversation did
23 somebody else or, I'm sorry I withdraw that question.
24 Did you see Sergeant Watts that day?

1 A Yes.

2 Q How did you come in contact with Sergeant

3 Watts?

4 A As we pulled away from the building and was

5 pulling off the lane Sergeant Watts and AJ pulled up

6 in their car.

7 Q How long after Nichols made this phone call

8 did Watts and AJ pull up?

9 A About a minute, a minute and-a-half.

10 Q So it was a matter of sixty, ninety seconds?

11 A Yes.

12 Q Did you have a conversation with Sergeant

13 Watts or AJ at that time?

14 A Well, Officer Nichols got out from driving

15 the car after he parked it and started talking to

16 Sergeant Watts. AJ came around and opened the door

17 up opposite me on my left side and said I told you we

18 were going to get you.

19 MR. LASKARIS: Objection to hearsay.

20 THE COURT: Overruled.

21 MR. MAHONEY:

22 Q So AJ said what to you?

23 A I told you we were going to get you.

24 Q And what did you take that to mean?

1 A That he had told me that he was going to put
2 a case on me and it was going to stick.

3 Q Did you say anything to AJ or Watts?

4 A Yeah, I said get me the right way.

5 Q What did you mean get me the right way?

6 A Don't put a case on me, catch me with
7 something and then put it on me, charge me with it.

8 Q So you wanted them if they were going to
9 arrest you you wanted them to do it fair?

10 A Yes.

11 Q At the station --

12 Did you then go to the 2nd District?

13 A Yes.

14 Q At the station did you have another
15 conversation with Watts?

16 A Yes.

17 Q Did he say something to you about an
18 individual named Bat, B-a-t?

19 A Yes.

20 Q What did he say?

21 MR. LASKARIS: Objection, Judge, hearsay.

22 THE COURT: Overruled.

23 THE WITNESS: He said why didn't you tell me you
24 was Bat's nephew I would have gave him this one that

1 is my guy.

2 MR. MAHONEY:

3 Q Okay. Who is Bat?

4 A That is an officer that is friend's with my

5 wife's father.

6 Q And Watts said why didn't you tell me you

7 were kin to Bat I would have gave you this one?

8 A I would have gave him this one.

9 Q So Watts was saying that he was giving Bat

10 one?

11 A Yes.

12 Q What did you take that to mean?

13 A That if he knew I was related to him he

14 wouldn't have charged me with that case.

15 Q Now, did Watts say anything else about the

16 case at that point?

17 A Watts had left after that I guess I don't

18 know where he had went but later on, I don't know if I

19 can say that, but later on he came back and asked

20 me --

21 MR. LASKARIS: Judge, I'll object to foundation I

22 am not sure where all of this occurred.

23 THE COURT: Sustained.

24

1 MR. MAHONEY:

2 Q Did you have another conversation with

3 Sergeant Watts at the 2nd District?

4 A Yes.

5 Q And this was after he asked you about an

6 individual named Bat, is that correct?

7 A Yes.

8 Q Were you getting processed at that time?

9 A Yes.

10 Q Okay. Do you know where in the station you

11 were, were you in the lockup, were you in the

12 interview room?

13 A I was still in the back where they chain you

14 to the wall while they fill out the report.

15 Q Okay. Was somebody filling out a report?

16 A Yeah, all of them. Officer Gonzalez, his

17 partner, AJ, Kenny. Watts is the only one who didn't

18 write something on the report.

19 Q Okay. And at that point in time did Watts

20 say something else to you?

21 A Yeah, he said well it is too late now but I

22 can give you --

23 Q What did you take it is too late now to mean?

24 A Is too late not to charge me but he could

1 give me some of the money I can get locked up with it
2 to have something on the books.

3 Q So, Watts said what about the money?

4 A That he can give me some money to go to jail
5 with so I'll be able to shop at the store in the
6 commissary.

7 Q And what did you say when Watts said this to
8 you?

9 A I said -- excuse me, I don't want shit from
10 you, keep it.

11 Q You refused the money?

12 A Yes.

13 Q So, it is your testimony that Watts would
14 have let you go because you knew somebody if the
15 paperwork hadn't been started?

16 A Yes.

17 Q Now, while you were at the 2nd District
18 station, at any time while you were there that day
19 March the 23rd did you say that them blows were mine
20 but them rocks ain't?

21 A No.

22 Q Did you ever make a statement admitting
23 something in your hand and denying something in your
24 pocket?

1 MR. LASKARIS: Objection, argumentative, form.
2 THE COURT: Overruled.
3 THE WITNESS: No.
4 MR. MAHONEY:
5 Q Well, the police are saying, the police are
6 saying that you admitted to owning drugs that they
7 claim were in your hand and that you denied the
8 ownership of drugs that they claim were in your
9 pocket, is that true?
10 MR. LASKARIS: Objection, compound question,
11 form.
12 THE COURT: Sustained.
13 MR. MAHONEY:
14 Q Did you make any admissions about any drugs
15 to any police officers that day?
16 A No.
17 MR. MAHONEY: I have nothing further, your Honor.
18 THE COURT: You're finished?
19 MR. MAHONEY: Yes.
20 THE COURT: Well can I take a break for lunch,
21 return back at 2:00.
22 MR. LASKARIS: Judge, can I approach?
23 THE COURT: Yes.
24 (Discussion off the record.)

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THE COURT: That's fine, 2:30.
(Luncheon recess taken.)

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3
4 IN THE CIRCUIT COURT OF COOK COUNTY
5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7) No. 05-08982
8) Judge Michael P. Toomin
9 Plaintiff,)
10 vs.)
11 [REDACTED])
12) May 23, 2006
13 Defendant.)
14 Court convened pursuant to lunch recess.
15 PRESENT:
16 MR. WILLIAM LASKARIS,
17 Assistant State's Attorney,
18 for the Plaintiff;
19 MR. MATTHEW MAHONEY,
20 for the defendant.
21
22
23 J. D. Williams, CSR #084-001757
24 Official Court Reporter
 2650 S. California Ave.-4C02
 Chicago, Illinois 60608

1 THE COURT: Court is back in session.

2 Be seated. Okay, Mr. [REDACTED] I believe was on
3 the witness stand.

4 MR. MAHONEY: He is.

5 THE COURT: Okay, Mr. [REDACTED] have a seat you are
6 still under oath.

7 [REDACTED]
8 resumed the stand, having been previously duly sworn,
9 was further examined and testified as follows:

10 CROSS-EXAMINATION

11 BY MR. LASKARIS:

12 Q Mr. [REDACTED] you live at [REDACTED]
13 correct?

14 A Yes.

15 Q That is a C.H.A. building, correct?

16 A Yes.

17 Q And back in you said July of 2004 you were
18 unemployed at that time?

19 A Yes.

20 Q And you are supporting yourself by selling
21 narcotics, correct?

22 A Yes.

23 Q And as of today you are still selling,
24 supporting yourself by selling narcotics?

1 A No.

2 Q When did you stop selling narcotics?

3 A Like Mother's Day like 2004.

4 Q Well, when is Mother's Day 2004?

5 A That is the day Sergeant Watts came out the
6 back between the two buildings 540 and 559 say he been
7 up all night, he broke, he ain't got no money, and
8 he's going to get my ass.

9 Q Okay. So prior to 2004 you supported
10 yourself by selling narcotics, correct?

11 A Yes.

12 Q Now, Officer Nichols you saw him testify on
13 the stand, correct?

14 A Correct.

15 Q You had never met him before, have you?

16 A Yes.

17 Q When was the first time you met him?

18 A Like 2005, early, early 2005.

19 Q So prior to March of 2005 you never met him
20 before, correct?

21 A Incorrect.

22 Q When did you meet him?

23 A Like early, early in the year of 2005.

24 Q Well, did he arrest you on that date?

1 A The first time I saw him?

2 Q Yes.

3 A No.

4 Q Did you see him since then, early of 2005?

5 A Yes.

6 Q Did he arrest you that date?

7 A No.

8 Q From January the 1st of 2005 to March of 2005

9 how many times have you seen Officer Nichols?

10 A A few times he detained me in the hallway

11 along with another group of people while they searched

12 the building.

13 Q So, his job was to search the building,

14 correct?

15 A I don't know what his job is.

16 Q Well, you seen Officer Nichols at that

17 building, correct?

18 A Yes.

19 Q You seen Officer Nichols do checks at that

20 building, correct?

21 A Usually when Officer Nichols come in the

22 building Sergeant Watts and AJ will go upstairs

23 leaving Officer Nichols and the rest of the team

24 downstairs while --

1 Q Okay, well let me ask about this.
2 So, you've seen Officer Nichols at the
3 building, correct?
4 A Yes.
5 Q ~~Members of that team conduct checks of the~~
6 building, correct?
7 A I mean when they have us down in the hallway
8 I've seen them then, other than that I wouldn't know.
9 Q Okay. So, you've seen them at that building
10 conducting checks before, correct, yes or no?
11 A I've seen him --
12 Q Yes or no?
13 A I can't answer that question, I don't
14 understand it.
15 Q You have seen Officer Nichols, Sergeant
16 Watts, Officer Jones conducting checks at that
17 building, yes or no?
18 MR. MAHONEY: Judge, objection to the form of the
19 question as to exactly what a check is.
20 MR. LASKARIS:
21 Q You've seen them present in the building?
22 THE COURT: Sustained.
23 THE WITNESS: Yes, I've seen them in the
24 building.

1 MR. LASKARIS:
2 Q You've seen them go up the floors, correct?
3 A AJ and Watts.
4 Q And you've been detained before, correct?
5 A Yes.
6 Q January of 2005 up to March the 25th, 2005?
7 A March the 23rd.
8 Q March the 23rd you were never arrested,
9 correct?
10 A Correct.
11 Q Now, Officer Jones how many times have you
12 seen Officer Jones?
13 A Several.
14 Q From March -- excuse me, from January of '05
15 to March the 23rd of '05 how many times have you seen
16 him?
17 A Several.
18 Q Several times, correct?
19 A Yeah.
20 Q And some of those times you've been alone,
21 correct?
22 A I can't say that.
23 Q Well, where have you seen them?
24 A Either I'm standing outside the building or

1 on the side of the building or in the lobby or I might
2 be coming out the apartment and they already in the
3 building.

4 Q Okay. So, you've seen them in the building,
5 correct?

6 A Yes.

7 Q They never arrested you then for narcotics,
8 did they?

9 A No.

10 Q They never found 110 bags and place them on
11 you as you're saying, did they?

12 A What?

13 Q They never arrested you and charged you with
14 110 bags, did they?

15 A Yeah, they did on March the 23rd.

16 Q I'm saying prior to March the 23rd?

17 A Yeah.

18 THE COURT: You said "they" are you talking
19 about --

20 MR. LASKARIS:

21 Q Officer Jones.

22 A Officer Jones?

23 Q Yes.

24 A Yeah, he did the paperwork on the mailbox

1 case but that was 2004.

2 Q Okay. I was talking about January of 2005
3 to March the 23rd of 2005 when Officer Jones had seen
4 you in the building you were never charged with
5 narcotics, correct?

6 A Correct.

7 Q Now, let's talk about March the 23rd, 2005.
8 You said you were coming from what floor?

9 A Sixth.

10 Q You live on the 2nd floor, correct?

11 A Yes.

12 Q And on that day you had money on you,
13 correct?

14 A Correct.

15 Q You had \$819 worth of currency on you at that
16 time?

17 A Yes.

18 Q And as you're walking down the stairs it was
19 two other individuals, correct?

20 A No, I was alone, they were standing on the
21 third floor landing.

22 Q On the third floor landing there were two
23 other individuals when the police came, is that
24 correct?

1 A Yes, as I stepped down to the third floor
2 landing he came out the hall.
3 Q And by he you mean Officer Nichols, correct?
4 A Yes, yes.
5 Q And Officer Nichols at that time you said had
6 his gun drawn?
7 A Yes.
8 Q Was he by himself?
9 A Yes.
10 Q And he announced his office?
11 A No.
12 Q What did he do?
13 A He say y'all come out the stairwell, put your
14 hands on the wall in the hallway.
15 Q Again he was by himself, correct?
16 A Yes.
17 Q No backup arrived at that scene, correct?
18 A Correct.
19 Q No backup ever arrived until everybody ran,
20 correct?
21 A His partner was downstairs all the time.
22 Q I said no backup ever arrived upstairs and
23 there were three individuals, correct?
24 A Correct.

1 MR. MAHONEY: Again I object to the form of the
2 question, I don't know if this individual knows what
3 backup is.

4 MR. LASKARIS: Well, nobody else ever arrived.

5 THE COURT: ~~If he doesn't understand it he can~~
6 tell you.

7 Overruled.

8 MR. LASKARIS:

9 Q So, the officer was with three individuals.
10 Is this a darken stairwell?

11 A No.

12 Q It is a lit area, correct?

13 A Correct.

14 Q And there are a lot of narcotics in that
15 building, correct?

16 A There are narcotic sells going on, yes.

17 Q And that is a pretty dangerous building you
18 would say, correct?

19 You live in that building, right?

20 A Well, yeah, there has been some shootings as
21 of late, yes.

22 Q And when the officer by himself told you to
23 come out of the stairwell everybody ran, correct?

24 A No, we all went and got on the wall. Then

1 ████████ ran so I ran.

2 Q Okay. Now, when you say ██████ ran?

3 A Yeah.

4 Q The officer didn't chase him, correct?

5 A Correct.

6 Q Now, ██████ have you been with ██████ for a

7 while, have you known him for a while?

8 A Yes, I've known him for a while.

9 Q How long have you known ██████

10 A Since like '98.

11 Q And what is his real name, do you know?

12 A ████████

13 Q And?

14 THE COURT: What is his name?

15 THE WITNESS: ████████

16 THE COURT: ████████

17 MR. LASKARIS:

18 Q And you've known him from selling narcotics?

19 A No, he stayed on the first floor in the

20 building.

21 Q Again do you know him from selling narcotics?

22 A I mean he has sold, yes, I've seen him sell.

23 Q You've seen him sell narcotics?

24 A Yes.

1 Q Now, you say [REDACTED] ran, Officer Nichols
2 never chased [REDACTED] did he?

3 A No. I ran behind [REDACTED] and he say he came
4 behind me.

5 Q Okay. What did -- did you run in the same
6 direction as [REDACTED]

7 A Yeah, until we got to the first floor.

8 Q And Officer Nichols chased you, correct?

9 A Well, he came out once his partner put me in
10 the car so I don't know if he was up there --

11 Q Let me ask you a question.

12 When you ran, when you ran down the stairs
13 did Officer Nichols chase you?

14 A I mean he came down but I didn't look behind
15 to see him behind me.

16 Q Let me ask you again.

17 When you ran down the stairwell was Officer
18 Nichols behind you?

19 A No.

20 Q When is the first time that you saw Officer
21 Nichols after you went downstairs?

22 A Once I was in handcuffs in the back of the
23 squad car.

24 Q Now, when you went downstairs how many

1 officers were downstairs?

2 A One.

3 Q And that would be Officer Leano?

4 A Yeah, Manny, a little short Chinese guy.

5 Q ~~Have you ever seen him before?~~

6 A Yes.

7 Q How many times?

8 A A few times. He is Nichols' partner, they

9 are always in the car together.

10 Q You've seen him a few times?

11 A Yes.

12 Q And from July or, excuse me, January 1 of

13 2005 to March the 23rd of 2005 you've seen Officer

14 Leano, correct?

15 A Yes.

16 Q He never detained you, has he?

17 A Yeah.

18 Q Has he ever arrested you?

19 A No.

20 Q First time he arrested you was on

21 March the 23rd of 2005, or present for the arrest,

22 correct?

23 A Yes.

24 Q Now, you know a person by the name of Officer

1 Gonzalez?

2 A Yes.

3 Q And how do you know him?

4 A Because he has arrested me before.

5 Q Has he arrested you before?

6 A Yes.

7 Q Was he downstairs in the lobby?

8 A At March the 23rd, no.

9 Q Was he ever on the scene?

10 A No.

11 Q Do you know a person by the name of Officer,

12 well I'll rephrase it.

13 Now, Officer Gonzalez, you've dealt with him

14 beforehand?

15 A Yes, he used to be in the blue and white in

16 the van.

17 Q Okay. And you did not see him on

18 March the 23rd, 2005, correct?

19 A At the police station, yeah.

20 Q Had you seen him prior to that?

21 A That day?

22 Q Yes.

23 A No.

24 Q How many officers arrived on the scene?

1 A It was just Officer Nichols and his partner
2 Manny was downstairs, DeAndre whatever.

3 Q And you said Officer Nichols had his gun
4 drawn?

5 A Yes, when he entered the hall, yes.

6 Q When Officer Nichols had his gun drawn on the
7 third floor did [REDACTED] run?

8 A No, [REDACTED] was behind like over to this side
9 the furthest from the stairwell.

10 Q Did he run?

11 A I don't know, I know I ran behind [REDACTED] so I
12 don't know. He couldn't have ran because it took
13 Nichols a while to come down the stairs so he had to
14 detain him.

15 Q You're not sure exactly what [REDACTED] did,
16 correct?

17 A Correct.

18 Q Now, when Officer Nichols came down the
19 stairs you said he had drugs on him?

20 A Yeah.

21 Q How many bags?

22 A Two.

23 Q These bags, did you see how many bags are in
24 there, is it two separate bags?

1 A Yeah, but he had them in one hand.

2 Q And you knew the \$819 that was found on your
3 pocket, correct?

4 A Yes.

5 Q There was a custodial search back on -- there
6 was a search on the scene, correct?

7 A Yeah.

8 Q And Officer Nichols performed that search on
9 the scene?

10 A No, Manny, Manny his partner searched me.

11 Q Now, you said --

12 Now, back at the station you were in a room
13 being interviewed, correct?

14 A Yeah, in the tac team room, yeah.

15 Q You were in a tac team room?

16 A I wasn't being interviewed they were doing
17 the paperwork.

18 Q Okay. Now, you said they were doing the
19 paperwork, who was doing the paperwork?

20 A Well, Nichols started the paperwork and Manny
21 does some of it, then Alvin Jones, then Gonzalez and
22 his partner they all added something.

23 Q Now, you said did you actually see Officer
24 Jones type the report?

1 A Yes, I saw all of them type individually pass
2 the paper on.
3 Q So, who is the first person to start typing?
4 A Officer Nichols.
5 Q Who was the second person to start typing?
6 A Manny.
7 Q Who was the third person to start typing?
8 A Gonzalez.
9 Q And who was the fourth person to start
10 typing?
11 A AJ.
12 Q Did anybody else type the report?
13 A Gonzalez' partner Barton, Burton the one with
14 the glasses.
15 Q What is his name?
16 A They say they were showing him how to do it
17 right, they didn't want him to make no mistakes.
18 Q And when they were typing the report you were
19 right there, correct?
20 A Yeah.
21 Q And when you saw them typing the report they
22 are close to you?
23 A Like I'm handcuffed to the wall like this and
24 then there is a desk right here that's where Officer

1 Nichols was sitting at.

2 Q Okay. He is the first one and then Officer

3 Leano started?

4 A Yes.

5 Q ~~And they all took turns typing the report,~~

6 you saw that, correct?

7 A Yes.

8 Q Now, let's talk about --

9 You were Mirandized, correct, you were given

10 your rights?

11 A No.

12 Q At any time that day were you given your

13 rights?

14 A No.

15 Q Did they tell you why you were being

16 arrested?

17 A Yeah.

18 Q Why were you being arrested?

19 A They said I was being -- they were charging

20 me with the drugs that he came out the building with.

21 Q Did you say anything when they said they were

22 charging you with the drugs?

23 A I said: Nah, y'all can't charge me with

24 those drugs.

1 Q Now, when Officer Nichols came down as you
2 say --

3 Well, when you were being detained you were
4 brought out to the car, correct?

5 A Yes.

6 Q And at that time Sergeant Watts and Officer
7 Jones arrived on the scene, correct?

8 A No. They arrived at the scene once we
9 pulled from the building and was exiting the fire lane
10 they were coming down Browning.

11 Q Okay. So about what five, ten minutes after
12 you are being pulled away is when Officer Jones and
13 Sergeant Ross arrived on the scene?

14 A No, it was like two minutes, if two minutes.

15 Q Okay. So from the time you were detained
16 until the time Officer Jones arrived on the scene was
17 two minutes, correct?

18 A Oh, first you said from the time we were
19 pulling away from the building.

20 Q No, from the time you were detained until the
21 time you saw Officer Jones arrive on the scene how
22 long did it take?

23 A Yeah, that was about five minutes.

24 Q There were present when Officer Nichols

1 approached you. He didn't see them present when
2 Officer Nichols approached you on the stairwell, did
3 you?
4 A No.
5 Q Now, you said you were coming from the
6 sixth floor?
7 A Yes.
8 Q Who is on the sixth floor?
9 A This girl named [REDACTED]
10 Q Pardon?
11 A This lady named [REDACTED] stay up on the
12 sixth floor.
13 Q And where were you going?
14 A I was going out the building.
15 Q To do what?
16 A Go buy my mother a gift for her birthday.
17 Q And when is your mother's birthday?
18 A [REDACTED].
19 Q What is your mother's name?
20 A [REDACTED]
21 Q [REDACTED]
22 A Yeah, [REDACTED]. [REDACTED] with
23 a "[REDACTED]
24 Q And where does she live?

1 A [REDACTED].
2 Q Now, let's go back again to when the police
3 had their gun drawn. [REDACTED] ran, correct?
4 A Yes.
5 Q Then you ran?
6 A Yes.
7 Q You made it all the way down to the lobby?
8 A Yes.
9 Q [REDACTED] wasn't detained, was he?
10 A No, [REDACTED] went out to the back.
11 Q Well, all the stairwells go down to the
12 lobby, correct?
13 A Yeah, both stairwells go down to the lobby.
14 Q And when you went down to the lobby there was
15 an officer down there, correct?
16 A Yeah, when I turned and went to the front
17 yeah. But if I went to the back with [REDACTED] there
18 wouldn't have been an officer there.
19 Q So now you are not following [REDACTED] correct?
20 A [REDACTED] went one way once we got on the first
21 floor and I went the other way.
22 Q Well you followed him all the way down,
23 correct?
24 A Yeah.

1 Q [REDACTED] went pass the second floor, correct?
2 A Yes.
3 Q You followed him, correct?
4 A Yeah.
5 Q [REDACTED] went pass the first floor, you
6 followed him, correct?
7 A No. When we get to the first floor you can
8 only go either out the back or out the front.
9 Q And that's where [REDACTED] wasn't arrested, was
10 he?
11 A Because no officer was there.
12 Q In fact, you were the only one that was
13 detained, correct?
14 A Yes, but the officer told you he didn't chase
15 nobody but me.
16 Q You are the only person that was detained,
17 correct?
18 A Yes.
19 Q Now, [REDACTED] is that his name [REDACTED]
20 A Yes.
21 Q How long have you known him?
22 A I really don't even know him. I just know
23 that's his name, that's what they call him.
24 Q Okay. He sells drugs in that building,

1 correct?

2 A He has.

3 Q And you know that, correct?

4 A Yes.

5 Q You know everybody has been arrested for
6 selling drugs in the building?

7 A No, I don't know.

8 Q The only person who spoke to you after your
9 arrest was Officer Jones, correct?

10 A In the car at the time, yes.

11 Q You never saw, or Officer Watts, Sergeant
12 Watts never spoke with you on March the 23rd, 2005,
13 correct?

14 A Yes, once we got to the police station. He
15 didn't say nothing to me until we got to the police
16 station.

17 Q Pardon?

18 A Not until we got to the police station.

19 Q Well, what did he tell you at the police
20 station?

21 A He said well if I had knew you were some kin
22 to Bat I would have gave him this one.

23 Q And kin to Bat means nephew?

24 A Yeah, but I am not any kin to Bat, my girl

1 is. Well that is her father's friend for a long
2 time.

3 MR. LASKARIS: One moment, Judge.

4 Q Now, regarding Sergeant Watts on prior
5 ~~occasions you say that they busted into your room,~~
6 correct.

7 You said some people, police officer came
8 into your house?

9 A Yes, she opened the door though.

10 Q Who was present at that time?

11 A Me, [REDACTED] and [REDACTED] on that
12 occasion.

13 Q And when did that happen?

14 A This was like July the 17th of '04.

15 Q Now, at that time was Officer Nichols
16 present?

17 A No.

18 Q Was Officer Leano present?

19 A No.

20 Q Now, at that time you weren't arrested,
21 correct?

22 A Yes, I was.

23 Q And what were you arrested for?

24 A Some stuff they got out of the mailbox like a

1 month ago, a little shorter than a month, it was like
2 June 12th or June -- yeah, sometime in June and they
3 arrested me for it July.

4 THE COURT: All right, what year are you talking
5 about?

6 THE WITNESS: '04.

7 MR. LASKARIS: '04.

8 THE COURT: You say you were arrested in July or
9 in June?

10 THE WITNESS: I was arrested in July, they got
11 the stuff out of the mailbox in June of '04.

12 MR. LASKARIS:

13 Q Now, that case, there was a motion heard on
14 that case, correct?

15 A Yes.

16 Q You were present for that motion, correct?

17 A Yes. Well, actually trial had started.

18 The trial was stopped and the motion was set, a date
19 for motion was set.

20 Q There was a motion set, right?

21 A Yes.

22 Q Correct.

23 And only after that motion was the case
24 dismissed, correct?

1 A Correct.

2 Q The state's attorney didn't walk in and then
3 in the motion and say hey we are dismissing your case,
4 did they?

5 A No.

6 MR. LASKARIS: Nothing further, Judge.

7 THE COURT: Anything else?

8 MR. MAHONEY: Very briefly.

9 REDIRECT EXAMINATION

10 BY MR. MAHONEY:

11 Q Mr. [REDACTED] in response to one of the state's
12 questions you made the statement that the officer told
13 you that he wasn't chasing anybody but you, is that
14 correct?

15 A That is what the officer said on the stand
16 today.

17 Q And that was Officer Nichols?

18 A Yes.

19 Q Now, you were asked about running and when
20 you got to the first floor you say [REDACTED] went out the
21 back and you went out the front, is that correct?

22 A Yes.

23 Q And you ran into Officer Manny, is that
24 correct?

1 A Yes.

2 Q Did you stop?

3 A Yes.

4 Q Did Officer Manny have his gun drawn?

5 A No.

6 Q Did you have a bag of drugs in your hand?

7 A No.

8 Q So, if --

9 So, he told you to stop and you stopped, is

10 that correct?

11 A Yeah, he just put his hand up like that.

12 (Indication.). And I stopped.

13 MR. MAHONEY: Nothing further, Judge.

14 THE COURT: All right, you may stand down.

15 MR. LASKARIS: Judge,

16 (Witness excused.)

17 MR. MAHONEY: The defense rest.

18 THE COURT: You rest?

19 MR. MAHONEY: I rest.

20 (Defense rest.)

21 THE COURT: Yes.

22 MR. LASKARIS: Judge, at this time I can call two

23 officers, Sergeant Watts is not here but I can call

24 two officers for rebuttal at this time.

1 THE COURT: Whoever you want to call you call
2 them.

3 MR. LASKARIS: I would call Officer Jones.

4 THE COURT: Officer who?

5 MR. LASKARIS: Jones.

6 THE COURT: Jones. Step up, please, raise your
7 right hand.

8 (Witness sworn.)

9 OFCR. ALVIN JONES,
10 a witness called on behalf of the People of the State
11 of Illinois, being first duly sworn, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. LASKARIS:

15 THE COURT: Be seated, please.

16 MR. LASKARIS:

17 Q Officer, please state your name, star number,
18 current unit of assignment.

19 A Officer Alvin Jones, J-o-n-e-s, Star
20 No. 19462, assigned to the 2nd District of the Chicago
21 police department.

22 Q Directing your attention to March the 23rd,
23 2005, were you on duty on that date?

24 A Yes, I was.

1 Q And, by the way, do you work with a team or a
2 group of individuals?

3 A Yes, I do.

4 Q And what other officers do you work with?

5 A My partner?

6 Q Yes.

7 A Officer Kenny Young.

8 Q And back on March the 23rd of 2005 what was
9 your duty detail at that time?

10 A I was a tactical officer in the 2nd District.

11 Q And on March the 23rd of 2005 approximately
12 3:50 p.m. did you go to the location of
13 527 East Browning?

14 A Yes, I did.

15 Q And what is located at that address?

16 A C.H.A. high-rise building, Ida B. Wells.

17 Q And why did you go to that location?

18 A Other members of the team I work for had made
19 an arrest.

20 Q And how did you know to go to that location?

21 A I heard them on the radio yelling out a chase
22 in that building.

23 Q Now, when you arrived at that location do you
24 see anybody in court here that you saw at that

1 location under arrest?

2 A Yes, I do.

3 Q Can you point to him and identify an article
4 a clothing that he is wearing for the Court?

5 A The gentleman sitting at the table with the
6 white and red shirt on, [REDACTED]

7 MR. LASKARIS: May the record reflect in-court
8 identification of the defendant.

9 THE COURT: Yes.

10 MR. LASKARIS:

11 Q Officer, have you seen the defendant before?

12 A Yes, I have.

13 Q Now, I'll direct your attention back to July,
14 approximately July the 19th of 2004 at any time did
15 you tell the defendant: Next time I will I put a case
16 on you it will stick, Kenny won't fuck up his
17 testimony?

18 A No, I did not.

19 THE COURT: Next time what?

20 MR. LASKARIS: Kenny wouldn't fuck up his
21 testimony.

22 THE COURT: No, give me the whole statement.

23 MR. LASKARIS: Oh. Next time I put a case on
24 you it will stick, Kenny wouldn't fuck up his

1 testimony.

2 THE WITNESS: No, I did not.

3 MR. LASKARIS:

4 Q Now, direct your attention to March the 23rd
5 of 2005 did you ever have a conversation with the
6 defendant?

7 A No, I did not.

8 Q On the scene did you ever have a conversation
9 with the defendant?

10 A No, I did not.

11 Q Back at the 2nd district did you ever have a
12 conversation with the defendant?

13 A No, I did not.

14 Q At any time on March the 23rd of 2005 did you
15 tell the defendant I told you we will get you?

16 A No, I did not.

17 Q Nothing further.

18 MR. MAHONEY: May I proceed, your Honor?

19 THE COURT: Yes.

20 CROSS-EXAMINATION

21 BY MR. MAHONEY:

22 Q Officer Jones, are you known by AJ?

23 A Yeah, people call me that.

24 Q How long have you been working around

1 Ida B. Wells?

2 A Approximately ten years.

3 Q Do you know an individual by the name of

4 Sergeant Ronald Watts?

5 A Yes, I do.

6 Q Who is he?

7 A He is my sergeant.

8 Q He is your supervisor?

9 A Yes, he is.

10 Q How long have you worked with him?

11 A The last four and-a-half years.

12 Q You and he ever drive together?

13 A Yes.

14 Q And you say that you did go to

15 527 East Browning on March the 23rd of 2005, is that

16 correct?

17 A That's correct.

18 Q And you went there because you heard a chase?

19 A Yes.

20 Q And that was over the radio?

21 A Yes, it was.

22 Q Who called in the chase?

23 A Some members of my team I believe.

24 Q What were their names?

1 A I don't know which one called it in. I just
2 know it was a call sign 264, I don't recall who
3 exactly it was.

4 Q And they told you that 264 was chasing
5 somebody?

6 A The 264, member of the 264 team was chasing
7 someone in the building.

8 Q And was it, do you know if it was Team B or C
9 or A or D?

10 A At the time I didn't know who it was.

11 Q Did they say who they were chasing?

12 A No, they didn't.

13 Q Was the individual who was calling in the
14 chase the individual who was doing the chasing?

15 A I would assume so.

16 Q So this person was operating this radio while
17 he was chasing him?

18 A I would assume so.

19 MR. LASKARIS: Objection, calls for speculation.

20 THE COURT: Overruled.

21 MR. MAHONEY:

22 Q Now, you say that you didn't have any
23 conversation at all with Mr. [REDACTED] on March the 23rd,
24 2005, is that correct?

1 A That's correct.

2 Q Have you ever had any conversation with him

3 before?

4 A Yes, I have.

5 Q On numerous occasions?

6 A Well what would you say is numerous?

7 Q Ten or twenty?

8 A I wouldn't say ten or twenty.

9 Q You have been working there four and-a-half

10 years?

11 A Yes, I have.

12 Q And Mr. [REDACTED] has been living there the

13 entire time that you have been working there?

14 MR. LASKARIS: Objection, speculation.

15 THE COURT: Overruled.

16 MR. MAHONEY:

17 Q If you know?

18 A I don't know.

19 Q Well, did you see Mr. [REDACTED] four and-a-half

20 years ago?

21 A I don't recall.

22 Q You don't remember?

23 A No.

24 Q Did you see him four years ago?

1 A I don't recall.

2 Q Did you see him three and-a-half years ago?

3 A Can't say yes or no.

4 Q Did you have a conversation with him three

5 years ago?

6 A I don't recall.

7 Q How about did you see him, have a

8 conversation with him two and-a-half years ago?

9 A Excuse me?

10 Q Did you see him or have a conversation with

11 him two and-a-half years ago?

12 A That's possible.

13 Q It is possible.

14 But you don't remember?

15 A Yes.

16 Q Do you know an individual by the name of

17 [REDACTED]

18 A Yes.

19 Q Where does [REDACTED] live?

20 A Excuse me?

21 Q Where does [REDACTED] live?

22 A I don't know.

23 MR. LASKARIS: Object to relevance.

24

1 MR. MAHONEY:
2 Q Does he live in the 574 --
3 THE COURT: Just a minute. There is an
4 objection.
5 MR. MAHONEY: I'm sorry.
6 MR. LASKARIS: I object to relevance.
7 THE COURT: Overruled.
8 MR. MAHONEY:
9 Q Does [REDACTED] live in the 574 building?
10 A I don't know.
11 Q 575 building, I'm sorry?
12 A I don't know.
13 Q Well where were you when you took drug
14 payments from [REDACTED]
15 MR. LASKARIS: Objection.
16 THE COURT: Say that again?
17 MR. MAHONEY:
18 Q Where were you when you took drug payments
19 from [REDACTED]
20 MR. LASKARIS: Objection.
21 THE COURT: It assumes a fact not in evidence.
22 Maybe you better rephrase it.
23 MR. MAHONEY:
24 Q Have you ever taken drug payments from [REDACTED]

1 A No.

2 MR. LASKARIS: Objection, relevance, your Honor.

3 THE COURT: Overruled.

4 MR. MAHONEY:

5 Q What about April the 7th of 2005 did you take
6 a drug payment from [REDACTED] that day?

7 A No.

8 Q You have known Sergeant Watts for four
9 and-a-half years, is that correct?

10 A That's correct.

11 Q And you spent some of that time driving with
12 him, is that correct?

13 A That's correct.

14 Q Have you ever seen Sergeant Watts engage in
15 any conversation with Mr. [REDACTED]

16 A Yes.

17 Q And have you ever seen Sergeant Watts accept
18 any payments from drug dealers?

19 A No.

20 Q Never?

21 A Never.

22 Q Now, you say you had no conversation at all
23 about [REDACTED] on the 23rd of March, 2005, is that
24 correct?

1 A That's correct.

2 Q Not in the 2nd District?

3 A Not in the 2nd District.

4 Q Did you hear Mr. [REDACTED] say anything on

5 ~~March the 23rd of 2005?~~

6 MR. LASKARIS: Objection.

7 THE COURT: Overruled.

8 THE WITNESS: I don't recall.

9 MR. MAHONEY:

10 Q You don't remember?

11 A No, sir.

12 Q So you don't remember if he said them blows

13 were mine but them rocks ain't?

14 A I don't recall that, no.

15 Q But on the 23rd of March you were in the

16 2nd District station while Mr. [REDACTED] was being

17 processed, is that right?

18 A I was there at the time, yes.

19 Q And were you there when Officer Nichols gave

20 Mr. [REDACTED] his Miranda warnings?

21 A I was not there.

22 Q Where were you?

23 MR. LASKARIS: Objection.

24 THE COURT: What was that?

1 MR. MAHONEY: Where was he.
2 MR. LASKARIS: Objection to relevance.
3 THE COURT: Where was who?
4 MR. MAHONEY: Him, AJ.
5 THE COURT: In the 2nd District?
6 MR. MAHONEY: When he wasn't in the 2nd District.
7 THE COURT: Oh, sustained.
8 MR. MAHONEY:
9 Q When you were there the day Mr. [REDACTED] was
10 being processed, correct?
11 A Yes, I came through the office when he was
12 being processed.
13 Q You just came through the office?
14 A Yes.
15 Q Did you type up any inventories or reports?
16 A No, I did not.
17 Q Does your name appear on any of the reports?
18 A Yes, they do.
19 Q As an assisting officer?
20 A Yes, they do.
21 Q How did you assist?
22 A I was there at the scene when they brought
23 him down and had placed him in the car. I responded
24 to the call of the assist.

1 Q So, when they brought him down and put him in
2 the car you were there?
3 A I showed up right after that, yes.
4 Q Well, was he in the car or out of the car
5 when you got there?
6 A He was in the car.
7 Q So he was already in the car when you got
8 there?
9 A Yes, sir.
10 Q How long after you heard the chase on the
11 radio did you arrive?
12 A Approximately a minute, a minute and-a-half.
13 Q Okay. So you hear a chase that's happening
14 on the radio and within a minute to a minute
15 and-a-half you are there at the scene and Mr. [REDACTED] is
16 already in the car?
17 A Yes.
18 MR. MAHONEY: Nothing further, Judge.
19 THE COURT: Anything else?
20 MR. LASKARIS: Just one question.
21 REDIRECT EXAMINATION
22 BY MR. LASKARIS:
23 Q You arrived on the scene after the arrest, is
24 that correct?

1 A That's correct.

2 Q You had nothing to do with the arrest?

3 A No, sir.

4 Q And counsel asked you about the reports,

5 correct?

6 A That's correct.

7 Q Did you ever sit down at a typewriter and

8 type up any reports?

9 A Pertaining to?

10 Q Pertaining to this case, the arrest report,

11 or anything pertaining to this case?

12 A No, sir.

13 MR. LASKARIS: Nothing further.

14 THE COURT: Anything else, Mr. Mahoney?

15 MR. MAHONEY: No, your Honor.

16 THE COURT: Thank you, officer, you may step

17 down.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 MR. LASKARIS: Judge, I'll call Officer Gonzalez.

21 THE COURT: Gonzalez?

22 MR. LASKARIS: Yes.

23 THE COURT: Step up please, sir. Raise your

24 right hand and face this way.

1 (Witness sworn.)

2 OFCR. ROBERT GONZALEZ,
3 a witness called on behalf of the People of the State
4 of Illinois, being first duly sworn, was examined and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. LASKARIS:

8 THE COURT: Be seated, please.

9 MR. LASKARIS:

10 Q Officer, would you please state your name,
11 star, and current unit of assignment, please.

12 A Robert R. Gonzalez, G-o-n-z-a-l-e-z, Star
13 No. 12152, currently assigned to the Chicago Police
14 Department 2nd District tactical team.

15 Q Directing your attention to March the 23rd of
16 2005 were you working as a Chicago police officer on
17 that date?

18 A Yes, I was.

19 Q And did you go to the location of,
20 approximately 3:45 p.m. did you go to the location of
21 the Ida B. Wells C.H.A. building located at
22 527 East Browning Avenue, Chicago, Cook County?

23 A Yes, I did.

24 Q And why did you go to that location?

1 A To initiate a premise check.

2 Q And upon arriving at that location anything
3 unusual occur?

4 A Yes, we initiated a premise check and as we,
5 as my partner and I Officer Bolton were down in the
6 lobby area we heard a radio call come out of a foot
7 chase, one of my partners in a foot chase.

8 Q And what happened next?

9 A The defendant Mr. [REDACTED] exited the
10 stairwell and we detained him at that point.

11 Q And you said the defendant [REDACTED] do you
12 see that person here in court today?

13 A Oh, yes.

14 Q Can you point to him and identify an article
15 of clothing he is wearing for the Court?

16 A The gentleman in the white shirt down by that
17 table. (Indication.)

18 MR. LASKARIS: The record will reflect in-court
19 identification of the defendant.

20 THE COURT: Yes.

21 MR. LASKARIS:

22 Q And at the time you saw the defendant did you
23 detain him?

24 A Yes, along with my partner.

1 Q Did you see anything in his hands?
2 A After Officer Nichols recovered what I
3 suspected narcotics that's when I observed it..
4 Q And where was it?
5 THE COURT: ~~The question was did you see anything~~
6 in his hands.
7 THE WITNESS: At that point, no.
8 MS. BREGENZER:
9 Q Did you see Officer Nichols recover anything?
10 A Yes, I did.
11 Q What did he recover?
12 A He recovered a clear plastic sandwich bag.
13 THE COURT: A what?
14 THE WITNESS: A clear plastic bag.
15 MR. LASKARIS:
16 Q And where did he recover this from?
17 A From his hand, from his right hand.
18 THE COURT: From his where?
19 THE WITNESS: From his hand.
20 MR. LASKARIS:
21 Q And you saw the officer recover that,
22 correct?
23 A Correct.
24 Q Now, did you go back to the 2nd District

1 station at any time after the arrest of the defendant?

2 A Correct, after that incident occurred we went
3 back to the 2nd District.

4 Q At any time did you sit down next to Officer
5 ~~either Nichols or Officer Leano and type up a police~~
6 report?

7 A No, I did not.

8 MR. LASKARIS: Nothing further.

9 MR. MAHONEY: Can I proceed?

10 CROSS-EXAMINATION

11 BY MR. MAHONEY:

12 Q Officer Gonzalez, is that correct?

13 A Yes, sir.

14 Q What is your first name?

15 A Robert.

16 Q Do you know somebody named Manny?

17 A Who?

18 Q Somebody named Manny?

19 A You have to be a little bit more specific.

20 Q Another officer that works with you?

21 A A partner on my team?

22 Q Yes.

23 A Yes, I do.

24 Q And who would that be?

1 A Officer Leano.

2 Q That would be Manuel Leano?

3 A I believe, yeah, that is his full name.

4 Q He goes by Manny, is that correct?

5 A I've known him as Manny, yes.

6 Q Now, was Manny there on March the 23rd, 2005,
7 at 527 East Browning?

8 A Yes.

9 Q Now, you say that you detained Mr. [REDACTED] is
10 that correct?

11 A Yes.

12 Q What did you do to detain him?

13 A Prevented him from exiting out of the
14 building.

15 Q I'm asking you what you did specifically.
16 Did you grab him, did you pull your gun on him, what
17 did you do?

18 A I, my presence was right in front of him and
19 then Officer Nichols had come and placed him into
20 custody along with Officer Leano.

21 Q My question is did you grab --

22 A At some point yes, I did.

23 Q Before he stopped or after he stopped?

24 A Oh, that was after.

1 Q Okay. So before he stopped did you grab him
2 or pull your gun on him?
3 A No.
4 Q He just stopped?
5 A Yes.
6 Q When he saw you?
7 A Correct.
8 Q And when he stopped and you saw him you
9 didn't see anything in his hands?
10 A In that real instance no, I didn't.
11 Q And did Mr. [REDACTED] try to run from you?
12 A No, he did not.
13 Q Did he try to fight you?
14 A No.
15 Q Now, did Officer Jones arrive on the scene at
16 some point on that day the 23rd of March of 2005?
17 A Yes, I believe it was sometime after the
18 incident took place.
19 Q I'm sorry?
20 A It was sometime after that.
21 Q Do you recall how long after?
22 A No.
23 Q Well, I mean was it a minute or a
24 half-an-hour?

1 MR. LASKARIS: Objection, asked and answered.
2 THE COURT: Sustained.
3 MR. MAHONEY:
4 Q And when Officer Jones arrived on the scene
5 where was he when you saw him?
6 A I don't have any really specific recollection
7 as to where he was.
8 Q Well, was --
9 A I know that he arrived on the scene.
10 Q Did you see the defendant Mr. [REDACTED] placed in
11 a car?
12 A I believe so I just don't recall what vehicle
13 he was placed in. I believe he was placed in Officer
14 Nichols' and Leano's vehicle.
15 Q Okay. Now, did you see Officer Jones before
16 or after Mr. [REDACTED] was placed in Officer Nichols' car?
17 MR. LASKARIS: Object, asked and answered.
18 THE COURT: Overruled.
19 THE WITNESS: Can you repeat the question again.
20 MR. MAHONEY:
21 Q Did you see Officer Jones on the scene before
22 or after Mr. [REDACTED] was placed in Officer Nichols' car?
23 A I don't recall.
24 Q Did you see Officer Jones have a conversation

1 with Mr. [REDACTED]
2 A No, I did not.
3 Q You recall that?
4 MR. LASKARIS: Objection, Judge.
5 THE COURT: Sustained.
6 MR. MAHONEY: Nothing further, Judge --
7 Well, may I, your Honor, I did think of
8 another one.
9 Q Do you know Officer Watts?
10 A Again if you're referring to a, my sergeant.
11 Q Sergeant?
12 A Sergeant Ronald Watts, yes, I do.
13 Q How long have you known him?
14 A I've been under his supervision I guess now
15 five years approximately.
16 Q And was he there that day March the 23rd at
17 527 East Browning?
18 A Yes.
19 Q He came with AJ, is that correct?
20 A Yeah, with who?
21 Q AJ, Officer Jones?
22 A Al you're talking about, Officer Al Jones,
23 okay, yeah.
24 Q He came with him?

1 A Yeah, they were on the scene.

2 Q Okay. And did you see them arrive?

3 A I, and again I don't recall exactly when, no.

4 MR. MAHONEY: Nothing else, Judge.

5 MR. LASKARIS: Judge, nothing further of this

6 witness.

7 THE COURT: Officer, let me ask you something.

8 You said that you didn't see anything in

9 Mr. [REDACTED] hand when you detained him, is that right?

10 THE WITNESS: In the instance as I first saw him

11 I, I didn't have a view of what was in his hand until

12 he came towards me and then Officer Nichols physically

13 detained him and I had, I caught a glimpse of the

14 narcotics then.

15 THE COURT: Where was it?

16 THE WITNESS: In his hand, I don't recall.

17 THE COURT: Right hand, left hand.

18 THE WITNESS: Yeah, it was in his hand, I just

19 remember.

20 THE COURT: Was anything else seized from him?

21 THE WITNESS: I believe a custodial search was

22 performed, there was crack cocaine that was also

23 recovered.

24 THE COURT: A custodial search where?

1 THE WITNESS: From the location where they
2 recovered?
3 THE COURT: Yeah, where was the search?
4 THE WITNESS: On the scene.
5 ~~THE COURT: On the scene?~~
6 THE WITNESS: Yes.
7 THE COURT: Another item was recovered besides
8 what he had in his hand?
9 THE WITNESS: Yes.
10 THE COURT: And what was that?
11 THE WITNESS: I believe it was an amount of crack
12 cocaine.
13 THE COURT: Did you see where it was recovered
14 from?
15 THE WITNESS: I can't recall exactly where, it
16 was from a pants pocket.
17 THE COURT: Okay, anything else?
18 MR. MAHONEY: No, your Honor.
19 MR. LASKARIS: No.
20 THE COURT: Okay, thank you.
21 THE WITNESS: Okay.
22 (Witness excused.)
23 THE COURT: Anything else?
24 MR. LASKARIS: Judge, at this time we're going to

1 ask for a continuance to bring Sergeant Watts in for
2 rebuttal. I think --

3 THE COURT: All right.

4 MR. LASKARIS: And he does have two other cases,
5 Judge, maybe we can subpoena officers in for those
6 cases too so that we can bring in Sergeant Watts and
7 put the case in a bench mode also.

8 THE COURT: Which case is that?

9 MR. MAHONEY: Judge, I am not necessarily in
10 agreement with that.

11 MR. LASKARIS: Okay, Judge, I was just trying to
12 save time, Judge.

13 MR. MAHONEY: First, Judge, for the record I
14 would object to a continuance.

15 THE COURT: Why.

16 MR. MAHONEY: Judge, I would just point out that
17 the State is in possession of the same discovery that
18 I am and the, Mr. [REDACTED] defense is outlined in that
19 discovery and they certainly had the opportunity to
20 get officers here as evidenced by the number of
21 officers that are here. This was set for trial
22 today, Mr. [REDACTED] is here, he is ready. They knew of
23 the necessity of calling Mr. Watts because Mr. [REDACTED]
24 defense is spelled out in that discovery. He is not

1 here, we would object to the continuance.

2 THE COURT: What about that?

3 MR. LASKARIS: Judge, with regard to that this is
4 a rebuttal witness. The fact that there are some
5 paperwork explaining, mentioning Sergeant Watts' name
6 until the defendant took the stand there was no
7 guarantee that he would take the stand. There was --
8 I was informed today that he may take the stand. As
9 you know defendants do change their mind. And for
10 our case in chief I had the officers that are present.
11 This is rebuttal witness which my case law doesn't
12 even have to be disclosed because it is a rebuttal
13 witness and we feel that this should be a -- a motion
14 should be granted in order to bring Sergeant Watts in.

15 THE COURT: We'll allow him to be brought in.
16 What are we talking about?

17 MR. LASKARIS: Can I just find out to make sure
18 if any of his partners know his furlough.

19 THE COURT: Yes.

20 (Whereupon, a brief pause was had:)

21 MR. LASKARIS: Judge, he is on furlough from
22 June the 7th to July the 6th so something before
23 June the 7th will be better.

24 MR. MAHONEY: The 5th or the 6th does work for

1 me, your Honor.

2 THE COURT: We're doing a jury on the 5th?

3 MR. LASKARIS: That is the Ronnie Thompson, yes.

4 THE COURT: How long is that going to take?

5 ~~----- (Discussion off the record.) -----~~

6 THE COURT: June the 5th.

7 MR. MAHONEY: June the 5th or 2nd either one.

8 The 5th is fine.

9 THE COURT: Okay. And the other matters will go

10 over to that date as well.

11 MR. MAHONEY: Ms. [REDACTED] is present in court as

12 well, your Honor.

13 THE COURT: Yes.

14 MR. MAHONEY: It will be status on that date.

15 THE COURT: Yes.

16 MR. MAHONEY: Thank you, your Honor.

17 (The above-entitled cause was

18 continued to May 5, 2006.)

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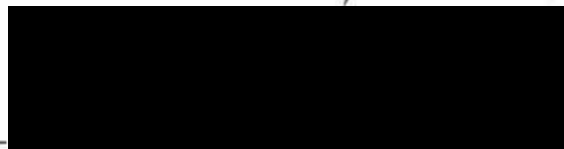
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STATE OF ILLINOIS)
COUNTY OF C O O K) SS:

I, Jewel Williams, an Official Court Reporter
for the Circuit Court of Cook County, County
Department-Criminal Division, do hereby certify that I
reported in shorthand the proceedings had in the above
entitled cause, that I thereafter caused the foregoing
to be transcribed into typewriting, which I hereby
certify to be a true and accurate transcript of the
Report of Proceedings had before the Honorable
MICHAEL P. TOOMIN, Judge of said court.



Official Court Reporter
084-001757

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,

-VS-

No. 05 CR 8982

Defendant.

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause, before the Honorable MICHAEL P. TOOMIN, Judge of said court, on the 9th day of June, 2006.

APPEARANCES:

HON. RICHARD A. DEVINE,
State's Attorney of Cook County, by
MS. MARY BREGENZER and
MR. BILL LASKARIS,
Assistant State's Attorneys,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

Reported by:
Jill Raddatz
Official Court Reporter
Criminal Division
084-002564

1 THE CLERK: [REDACTED] and [REDACTED] 1, 4, 10 & 11.

2 MR. MAHONEY: Good morning, your Honor. Matthew Mahoney
3 on behalf of both defendants who are present on bond.

4 THE COURT: He has three cases here, correct?

5 MR. LASKARIS: That's correct, Judge.

6 MS. BREGENZER: Actually, Judge, there's a V.O.P. There
7 should be four. On sheet 1 there's a VOP.

8 MR. LASKARIS: 02 CR 5992.

9 THE COURT: And on sheet 4, 8982.

10 THE CLERK: Sheet 10 and 11.

11 THE COURT: 10 and 11. Okay. All right. The matter is
12 here today, I believe, for resolution of the case that we
13 tried.

14 MR. MAHONEY: That's correct, your Honor.

15 THE COURT: The Court has prepared findings on that
16 matter.

17 Mr. [REDACTED] is here on a multiple count
18 indictment, 05-8982, wherein he is charged in Count 1 with
19 possession of controlled substance with intent to deliver
20 15 to 100 grams of heroin.

21 Count 2, possession of controlled substance
22 with intent to deliver, 1 to 15 grams of cocaine at a
23 C.H.A. managed housing.

24 Count 3, possession of controlled substance

1 with intent to deliver 1 to 15 grams within thousand feet
2 of the school.

3 And Count 4, possession of controlled
4 substance, a Class 1 felony.

5 The State's evidence essentially comes from
6 Officer Nichols (phonetic) of the Second District Tac team
7 who related he was on duty March 23, 2005 at about
8 3:45 p.m. at the Ida Wells Public Housing facility;
9 particular building was at 527 East Browning, a building
10 managed by the Chicago Housing Authority. He together with
11 his partner, Officer Leono (phonetic), was doing a premises
12 check pursuant to the assignment by his team sergeant,
13 Sergeant Watts (phonetic), to check on high narcotics
14 activity in or about that area.

15 Officer Nichols testified that he worked his
16 way up to the third floor by way of the rear stairwell
17 together with Officer Leono. At the third floor he saw the
18 defendant and two others standing in the hallway. The
19 defendant was holding a plastic bag, a clear plastic bag
20 containing smaller Ziplock baggies. He announced his
21 office. The defendant fled down the stairs and the officer
22 took up pursuit.

23 The defendant was apprehended in the lobby by
24 Officer Gonzalez (phonetic) and Bolton (phonetic). Bag was

1 recovered. The bag in his hand contained 110 baggies of
2 white powder suspect heroin. Search of the defendant's
3 person revealed another clear plastic bag with 68 baggies
4 of a white rock-like substance from his right front pants
5 pocket, also \$819 from his left pants pocket.

6 He was taken to the Second District,
7 Mirandized, and gave an oral statement according to Officer
8 Nichols, quote, them blows our mind but those rocks ain't,
9 end quote.

10 There was a stipulation as to chain of custody
11 and analysis by the crime laboratory. The narcotics were
12 inventoried by Officer Leono, and the crime laboratory
13 after testing and weighing the substances found that the
14 first bag with 110 bags of heroin had a total weight of
15 41.1 grams--actually, 41 of the bags were tested for an
16 actual weight of 15.3 grams. The smaller bag with the 68
17 packets had a total weight of 13.9 grams. 26 of the 68
18 were tested positive for cocaine, 5.3 grams.

19 The defendant's case through his own testimony
20 was essentially--and he acknowledged living at [REDACTED]
21 [REDACTED] since July of 1997 with his wife, [REDACTED] and
22 three boys, young boys. He acknowledged four prior
23 convictions since 1994, aggravated battery with a firearm,
24 unlawful use of weapons and two possession charges. His

1 defense essentially was a denial.

2 Mr. [REDACTED] testified that he was on the third
3 floor hallway with two individuals, [REDACTED] (phonetic) and
4 [REDACTED] (phonetic). [REDACTED] had narcotics. Nichols
5 approached alone, not with Leono, ordered all of them to
6 the wall. He went to the wall initially and then fled down
7 the stairs. He testified he was caught down the stairs by
8 Manny Leono, not Officer Gonzalez.

9 Mr. [REDACTED] further testified that all of this,
10 this case, was actually a frame going back to June of 2004
11 when he was informed that Sergeant Watts wanted \$1,000 to
12 make a case go away that the defendant had not yet been
13 arrested on, the case involving controlled substances found
14 in the mailbox of his lobby.

15 On July 12, 2004, he testified, that Sergeant
16 Watts and his team came to he and his wife's apartment with
17 their guns drawn. Searched revealed nothing but he was
18 charged instead with the case from the mailbox which he
19 beat in November of '04. Upon his release from custody he
20 testified that Officer Alvin Jones (phonetic), who was a
21 cohort of Sergeant Watts, talked to him about the mailbox
22 case, told him that you win some, you lose some; the next
23 time we get you it will stick.

24 March 23rd of last year apparently was the

1 next time. After his arrest on that date he testified that
2 Officer Jones approached the car, squad that he was in, and
3 told him that--reminded him that he had told him that they
4 were going to get him, and at the Second District Jones and
5 Officer Gonzalez participated in paperwork. Mr. [REDACTED]
6 denied making any statement about narcotics and stuck to
7 his defense that these drugs were essentially planted on
8 him.

9 The State on rebuttal called several officers,
10 Sergeant Watts and Officer Jones. They denied any prior
11 conversations with Mr. [REDACTED] along the lines of how he
12 testified; that is, any threats or any overtures to obtain
13 money from Mr. [REDACTED] Officer Gonzalez and Officer Jones
14 testified particularly that they did not participate in any
15 paperwork in the Second District. Officer Gonzalez also
16 corroborated Officer Nichols as to being the person who was
17 in the lobby of the building who indeed detained the
18 defendant, that it was not Officer Leono.

19 The State's case in analyzing this evidence is
20 fairly simple and straightforward. Two officers on the
21 premises search, see drugs handled by a defendant. The
22 defendant flees with the bag, is apprehended in the lobby,
23 contraband is recovered together with substantial amounts
24 of United States currency.

1 The contraband was inventoried according to
2 procedures, sent to the crime lab, tested results were as
3 reflected in the stipulation. The defendant's case here is
4 based solely upon his testimony, his self-serving
5 testimony, which is not corroborated in any manner; it's
6 actually contradicted by credible evidence presented by a
7 number of police officers--Officers Nichols, Officer
8 Gonzalez, Officer Jones, Sergeant Watts.

9 Accordingly, the Court will enter findings of
10 guilty as to Counts 1, 2 and 4.

11 There is no evidence with regard to a school
12 being a thousand feet from this location. There will be a
13 finding of not guilty entered as to Count 3.

14 We will need a date for a Presentence Report.
15 Defendant will be remanded into custody. Bond will be
16 revoked.

17 MR. MAHONEY: 30 days, your Honor?

18 THE COURT: 30 days, yes. July 7th. How is that?

19 MR. MAHONEY: That's fine your, Honor.

20 THE COURT: July 7th for P.S.I., fill out the
21 appropriate form.

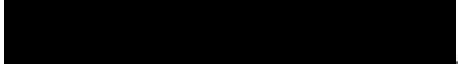
22 MR. MAHONEY: Yes, Judge. I also have a motion for a
23 C.B.R. to attorney.

24 THE COURT: Pardon me?

1 MR. MAHONEY: C.B.R. to attorney.
2 THE COURT: Do you have the petition?
3 MR. MAHONEY: Yes.
4 THE COURT: Wait a minute. Hold on. Mr. [REDACTED] do you
5 want the proceeds of your bond to be returned to your
6 lawyer?
7 THE DEFENDANT: Yes.
8 THE COURT: C.B.R. attorney. And we'll set the other
9 cases when you come back on July 2nd.
10 MR. LASKARIS: It will be by agreement on all cases,
11 Judge.
12 THE COURT: Very well.
13 (The above-entitled cause was
14 continued to July 2, 2006.)
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Jill Raddatz, Official Court Reporter for the County Department, Criminal Division, do hereby certify that I reported in shorthand the report of proceedings had at the hearing in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the report of proceedings had before the Honorable MICHAEL P. TOOMIN, one of the Judges of said Division.


Jill Raddatz,
Official Court Reporter
084-002564

Dated this 20th day
of February, 2007.

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 PEOPLE OF THE STATE OF ILLINOIS)

6 Plaintiff,)

7 vs)

8 [REDACTED])

9 Defendant.)

No. 05 CR 8982

A P P E A L

10 SENTENCING HEARING

11
12 REPORT OF PROCEEDINGS had at the hearing of the
13 above-entitled cause before the Honorable MICHAEL P. TOOMIN, one
14 of the judges of said court, on the 7th day of July, A.D., 2006.

15
16 PRESENT: HON. RICHARD DEVINE
17 State's Attorney of Cook County
18 by, MR. WILLIAM LASKARIS
19 Assistant State's Attorney,
20 on behalf of the People;

21
22 MR. MATTHEW MATHONEY
23 Private counsel,
24 on behalf of the Defendant.

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Kathie Kerns, CSR, RPR
Official Court Reporter
CSR #084-002547

1 THE COURT: Anything else for probation?

2 THE PROBATION OFFICER: [REDACTED]

3 THE COURT: His lawyer is not here yet.

4 THE PROBATION OFFICER: That's all, Your Honor.

5 [CASE PASSED]

6 THE COURT: [REDACTED]

7 THE DEPUTY SHERIFF: Coming out.

8 THE CLERK: Sheets 1, 4, 7, and 9.

9 THE COURT: Could I have the case that went to
10 trial, 8982.

11 MR. MAHONEY: Good morning, Your Honor.

12 Matthew Mahoney on behalf of the defendant [REDACTED] who is here
13 today for sentencing. I am seeking leave to file motion for new
14 trial.

15 THE COURT: Leave is granted. Anything you wish
16 to say in addition to this?

17 MR. MAHONEY: Yes, Your Honor. I don't want to
18 rehash the facts of the trial. However, I do want to say this.
19 Mr. [REDACTED] testified during his trial and he testified very
20 credibly and he told the truth and he had a lot to lose by
21 telling the truth. He made some statements that were against
22 his penal interest in regards to the violation of probation that
23 is currently pending. But he took the stand and he told the
24 court the truth of what actually happened on that day. And the

1 issue before the court that the court was to decide on that day
2 was whether or not on the day charged in the indictment
3 Mr. [REDACTED] possessed drugs. Now, Mr. [REDACTED] testified he did not
4 and the police testified to the contrary, so obviously there
5 were two different versions of the offense we had.

6 But what I am arguing in my motion for new
7 trial, that it was not an either or situation. You didn't
8 either believe the police or believe Mr. [REDACTED] Mr. [REDACTED]
9 needed to be proven guilty beyond a reasonable doubt. Mr. [REDACTED]
10 stood before the court presumed innocent. Two different
11 versions of the events. Mr. [REDACTED] version was unimpeached and
12 very credible and he had a lot to lose by testifying. But it
13 seems that during the course of the trial that the version that
14 the court sided with was the version of the police, and in so
15 doing the police officers received the benefit of the doubt, and
16 that benefit belonged to Mr. [REDACTED] and it was wrongly taken from
17 him.

18 THE COURT: I don't follow your logic. I'll
19 listen to what the State has to say.

20 MR. LASKARIS: Judge, as you well know, the
21 purpose of the trial is to judge the credibility of the
22 witnesses as they take the stand. In this case you had the
23 opportunity to judge their demeanor, their appearance in court,
24 the way they testified in court, as well as their testimony

1 regarding this matter.

2 As the trier of fact, the fact that a
3 witness does testify at trial is important because then you do
4 get to judge the credibility of the witnesses as they appear to
5 you in regards to their testimony.

6 In this case, Judge, you judged the
7 credibility of the officers, judged their manner in testifying
8 and found them credible. We feel based on the credibility of
9 the officers that we have proven the defendant guilty beyond a
10 reasonable doubt.

11 THE COURT: Paragraph 7 alleges that the finding
12 of the court relies upon the mistaken belief that police
13 officers are entitled to a presumption of enhanced credibility.
14 It goes on to say when the prosecution and defense present
15 differing but equally unimpeached accounts of the same incident
16 the result should be a finding of reasonable doubt exists not
17 that the police officers must be more credible.

18 I certainly don't subscribe to any
19 proposition that police officers are entitled to enhanced
20 credibility. Every jury trial that we have here jurors are
21 admonished that police officers' testimony is to be judged by
22 the same standards as any other witness. They are not entitled
23 to any greater believability or less believability simply
24 because they are police officers. Obviously I subscribe to that

1 position as well. That is what the law is. These officers were
2 not given enhanced credibility.

3 Mr. [REDACTED] told his side of the story, going
4 back into a period of time many months of dealing with these
5 officers, making accusations against them. They were involved
6 in shaking him down, putting cases on him, things of that
7 nature, which was totally uncorroborated. There was nothing to
8 buttress that claim at all. And I believe that the police
9 officers told a credible testimony here as to the initial
10 observations in the CHA building, in the chase involving
11 defendant, in the recovery of the controlled substance that
12 followed in the lobby of the building, and additional substances
13 recovered from his pockets as well.

14 I think certainly those findings are within
15 the purview of the judges and jurors day in and day out -- they
16 weigh credibility and they assess credibility, they make
17 decisions. I wasn't there, you weren't there, you don't know
18 what the truth is. All I can go by is what I hear in the way of
19 evidence and how I evaluate that evidence. The motion for new
20 trial will be denied.

21 I just received the presentence report. I
22 haven't had a chance to review it yet. So we could proceed to
23 sentencing today after I have had a chance to review it. And if
24 you have any corrections, you let us know.

1 MR. MAHONEY: Thank you, Your Honor.

2

3 [CASE PASSED]

4

5 (WHEREUPON, the following proceedings

6 were resumed as follows herein:)

7 THE CLERK: [REDACTED] 1, 4, 7, and 9.

8 THE COURT: All right. The matter was passed to
9 allow counsel an opportunity to review the presentence report.
10 Are there any corrections or modifications to make?

11 MR. LASKARIS: Judge, no.

12 THE COURT: Defense.

13 MR. MAHONEY: Judge, I believe that Mr. [REDACTED]
14 criminal history does not include the case he is on probation
15 for.

16 THE COURT: All right. I'll hear from the State
17 first.

18 MR. LASKARIS: Judge, I won't go over the facts of
19 the case.

20 I would like to point out in regard to
21 defendant's past criminal history. It shows that on September
22 16, 1994 he received 6 years IDOC on an attempt murder charge
23 under case 93 CR 2839701. According to the leads sheet in
24 regards to this letter, I am showing that he was received in

1 Joliet on September 23, 1994 and that he was released on
2 July 10th of 1997.

3 In regard to the fact of this matter, the
4 State is seeking an extended term on the fact that he has a
5 previous conviction within 10 years except for time spent in
6 custody. According to our information, he was not released on
7 the 1993-case which is the attempt murder until 1997, and we
8 feel that falls within the 10-year period making the defendant
9 eligible for extended term.

10 THE COURT: He stands having been found guilty on
11 three of the four counts, two of which are class X.

12 MR. LASKARIS: That's correct, Judge.

13 THE COURT: And one is a class 1 which probably
14 should merge.

15 MR. LASKARIS: Yes, Judge.

16 THE COURT: So he will be sentenced on counts 1
17 and 2. They are different types of drugs and different amounts.

18 MR. LASKARIS: That's correct, Judge. There was
19 110 bags of heroin which was 41.1 grams of which 15.3 grams were
20 tested. In regard to the cocaine, it was six to eight bags,
21 total weight being 13.9 grams, in which 5.3 grams were tested.

22 THE COURT: What are you suggesting as far as
23 sentence?

24 MR. LASKARIS: Judge, we are seeking extended term

1 of 30 years to 60 years in prison.

2 THE COURT: 60 you are asking for?

3 MR. LASKARIS: Judge, we are asking for 35 on the
4 extended term.

5 THE COURT: 35.

6 Mr. Mahoney.

7 MR. MAHONEY: Well, Judge, in my closing argument
8 at trial I mentioned that corrupt police officers place other
9 police officers in danger by individuals who they encounter may
10 react violently to police on subsequent occasions once they have
11 been done wrong by the system. I neglected to mention, and I
12 will mention now, these corrupt police officers also facilitate
13 drug dealing because those drug dealers who do pay the police
14 can now rest assured that the stick the case put on them is not
15 going to happen and the care and protection is still out there
16 for them. I believe that carrot is unwittingly provided. That
17 carrot stick is unwittingly provided by the court system, and
18 this is just one more example of that.

19 We are here today to deal with Mr. [REDACTED]
20 Mr. [REDACTED] is a man and he is well aware of what brought him
21 before Your Honor today. He is aware that he lives in an
22 imperfect world. He is aware that his own acts put him in a
23 position where these corrupt police officers made him a target.
24 Had it not been for his own acts and decisions he made, he would

1 not have been a target of these police officers. These corrupt
2 police officers don't seek bribes from people they don't believe
3 have the ability to pay.

4 So Mr. [REDACTED] is here today. And Mr. [REDACTED]
5 is a man, he is an individual who grew up in that imperfect
6 world of Ida B. Wells and who made some wrong choices that
7 brought him here today, and he accepts that.

8 His wife and his mother and his children are
9 here today. The reason his children are here today is not in
10 some contrived plea of mercy from this court but because
11 Mr. [REDACTED] throughout his life has not been some baby's daddy, he
12 has been a father. He has lived with his wife and his children
13 his entire life and he has seen to it that his children attend
14 school and that they bring home good grades.

15 After school they are not allowed to go out
16 so that they can meet into the milieu of Ida B. Wells and drug
17 dealers and corrupt police officers so that they are hopefully
18 not forced to make the same difficult choices he had to make and
19 mistakes. Now they will have to face that harsh reality without
20 Mr. [REDACTED] guidance. But he wanted them to be here today so
21 that they can see what happens when you put yourself in the
22 position where the police can use the judicial system to have
23 their way with him.

24 So he stands here today, he is not guilty of

1 the offense that he was charged with possessing drugs on that
2 day, but he is ready to accept his sentence. And all I could
3 ask, Mr. Laskeris not asking for mercy, but, Judge, I am.

4 THE COURT: Mr. [REDACTED] the law gives you the
5 opportunity to speak on your own behalf. Is there anything you
6 wish to say at this time before I pronounce sentence?

7 THE DEFENDANT: Yes. Your Honor, I had like three
8 weeks and a day left on your probation. I did everything that
9 was asked of me of your probation.

10 These officers are the same officers on
11 every case I had, including 2004, up until now. Now I don't
12 know what it is they want me to pay, I wouldn't pay. I
13 wouldn't. I stopped.

14 He said I had -- I was released on my attempt
15 murder in '97, but I also had the gun --

16 THE COURT: Were they involved in that case?

17 THE DEFENDANT: No. I'm saying from 2004 until now
18 or 2003 till now, the same officers that I had attempt murder as
19 well as a gun charge, I was convicted on both of them. That's
20 why I was released in '97 of July. And the only thing I ask you
21 is you not let them do to my wife what they are doing to me. I
22 rest on that.

23 THE COURT: You are speaking of the remaining case
24 that's before me?

1 THE DEFENDANT: Yes.

2 THE COURT: Well, Mr. [REDACTED] is correct that he has
3 been before this court for a number of years on several matters,
4 probation matter, a case that is still pending. He was found
5 guilty after a bench trial, extensive preparation into that
6 case.

7 By way of aggravation, although I will not
8 dwell on it, the facts of the case are significant here. As I
9 indicated in denying the motion for new trial, the defendant was
10 observed in public housing in the Ida B. Wells Homes. He did
11 what certainly appeared to be a delivery, other people gathered
12 around him, and the officers came upon the scene. He fled,
13 there was a chase, he was apprehended in the building in the
14 lobby. The substance, the item that the police observed was on
15 his person, as well as additional contraband in his pants pocket
16 as I recall. Deterrence is another factor that the court is
17 called upon to consider. Deterrence for Mr. [REDACTED] as well as
18 others who may be inclined to follow his footsteps and emulate
19 his conduct.

20 When I look at his background, he has had
21 some opportunities here: Probation 1989, a drug case, probation
22 in 1990, another drug case, he went to prison on an unrelated
23 case -- attempt murder in '94 -- and there is a gun case and a
24 drug case that is still pending here.

1 In reviewing the presentence report there is
2 not much remarkable that I can say about it. His social history
3 reflects that he was raised on the South Side primarily by his
4 mother. According to what he reported, he had a loving and
5 supportive family. There was no DCFS involvement, no abuse, no
6 neglect. He had recently been married. He did attend high
7 school for two years. There are no mental problems.

8 When I look at other factors in litigation,
9 one might find in cases of provocation, justification, excuse,
10 reasonable explanations -- none are present here. Nor would the
11 court be inclined to believe that were Mr. [REDACTED] placed back
12 into the same environment in the near future that the same
13 situation would not recur. The evidence points to deterrence as
14 it has in the past.

15 The range of sentence because of his
16 background is substantial. 6 years on the minimum up to
17 60 years because of his background. There is a wide range of
18 exposure.

19 Two of the offenses are class X offenses.
20 The State is asking for a substantial sentence of 35 years which
21 I do not believe is warranted here. But it will be the judgment
22 of this court as to counts 1 and 2 that the defendant will be
23 remanded to the custody of the Department of Corrections for a
24 determinate sentence of 18 years. They will run concurrent. He

1 will receive credit for all time spent in custody on this case.

2 You have a right to appeal from the
3 judgments. To do that you must within 30 days file a notice of
4 appeal with the Clerk of the court. If you are indigent counsel
5 could be appointed to represent you and transcripts of the
6 proceedings heard made available to aid your lawyer in that
7 effort.

8 If on appeal you wish to contest the
9 sentence that has been imposed or any aspect of the sentencing
10 hearing that you wish to challenge, you must within 30 days file
11 a motion to reconsider the sentence. Depending upon how the
12 court ruled upon that motion, you would then have 30 days to
13 file your notice of appeal, including all contentions you may
14 have with regard to sentence as well as to the court, final
15 appeal entered presented in this case. That will be the
16 judgment.

17 How much credit does he have?

18 MR. MAHONEY: I will have to tabulate that,
19 Your Honor.

20 At this point I will also be asking to file
21 the defendant's notice of appeal and ask that the State
22 Appellate Defender be appointed.

23 THE COURT: Are you going to be filing your motion
24 to reconsider?

1 MR. MAHONEY: I will, Your Honor.

2 THE COURT: You need to do that before you file
3 notice.

4 As far as the 5992, that is the probation
5 case, is it not?

6 MR. LASKARIS: Yes, the 02 CR 5992.

7 THE COURT: I am going to terminate probation
8 unsatisfactory on that case today. However, there does remain
9 another case with --

10 MR. LASKARIS: The case with his wife,
11 06 CR 810-case.

12 THE COURT: Also the gun case 05-55 --

13 MR. LASKARIS: 80.

14 THE COURT: The 06-case. What is your pleasure on
15 those cases. What do you want to do.

16 MR. LASKARIS: We can proceed on 06 CR 810 case.

17 THE COURT: And you represent both [REDACTED] as well
18 as Mr. [REDACTED] is that right?

19 MR. MAHONEY: I do, Your Honor.

20 THE COURT: I will indicate the State elects on
21 that remaining case. How much time do you want for the motion
22 to reconsider? And we can take up the other cases at that time.

23 MR. MAHONEY: How about July 28th, Your Honor?

24 THE COURT: 7-28. Is that agreeable to the State?

1 MR. LASKARIS: Yes, Judge.
2 THE COURT: [REDACTED] is here too as well?
3 MR. MAHONEY: She is, Your Honor.
4 THE COURT: That will be the order.
5 THE CLERK: What's the date?
6 THE COURT: 7-28.
7 MR. LASKARIS: By agreement on all cases.
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1 STATE OF ILLINOIS)
2) ss:
3 COUNTY OF COOK)
4

5 I, KATHERINE A. KERNS, CSR, RPR,
6 Official Shorthand Reporter of the Circuit Court of Cook County,
7 County Department - Criminal Division, do hereby certify that I
8 reported in shorthand the evidence had in the above-entitled
9 cause and that the foregoing is a true and correct transcript of
10 all the evidence heard

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Official Shorthand Reporter
Circuit Court of Cook County

On this 25th day of February, A.D., 2007

1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS

3 THE PEOPLE OF THE)
4 STATE OF ILLINOIS)

5 vs.)

NO. 05 CR 8982

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REPORT OF PROCEEDINGS of the hearing

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before HON. MICHAEL P. TOOMIN, on the 28th day of

10

July, 2006.

11

12

APPEARANCES:

13

HON. RICHARD DEVINE,
State's Attorney of Cook County, by
14 MR. WILLIAM LASKARIS,
Assistant State's Attorney,
15 appeared for the People;

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MR. MATTHEW MAHONEY,
appeared for the Defendant.

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19

20

DIONE R. RAGIN
2650 S. California Ave., 4C02
21 Chicago IL 60608
Official Court Reporter
22 C.S.R. #084-004066

23

24

1 ATTORNEY: Matthew Mahoney on behalf of
2 [REDACTED] and [REDACTED] Ms. [REDACTED] case
3 comes here for status today. Mr. [REDACTED] case is
4 here on my motion to reconsider sentencing.

5 THE COURT: Anything you want to say about
6 this?

7 MR. MAHONEY: Yes, Your Honor. Main point
8 being motion to reconsider sentence is that the
9 Court did not fully appreciate Mr. [REDACTED]
10 potential for rehabilitation.

11 And to that end with the Court's
12 permission I just have one letter which I'd like to
13 read to you from the defendants.

14 THE COURT: What?

15 MR. MAHONEY: One letter I would like to
16 read to you from defendant's wife.

17 This is from Ms. [REDACTED]

18 Judge Toomin, my name is [REDACTED]
19 I would like to say thank you for taking the time
20 out to read this letter. I am begging you to
21 please rethink your sentencing of my husband [REDACTED]
22 [REDACTED] on July 7, 2006.

23 [REDACTED] has always been close to his sons
24 especially the youngest. Maybe because of the

1 father he grew up not knowing. Maybe it's the love
2 and the bond he has with his sons. He has always
3 been active in school activities, trips, and
4 programs.

5 ~~I work from 9:00 to 5:00 while [REDACTED] is~~
6 taking our boys to school and picking them up and
7 helping them with their home work. Here are
8 examples of how two African-American parents are
9 active and involved in our kids' productive lives.

10 We have been together for 16 years. I
11 grew up with both parents home and all serve the
12 law and a teacher. My parents opened their arms
13 and their heart to [REDACTED] because of the type of
14 person he is. I lost my dad, a man who has been in
15 my life for 33 years. Now, I only have [REDACTED]

16 I am begging you, please, please, reduce
17 his time so we can start over in our new home as we
18 help our sons transform into men.

19 High school is a transition from grammar
20 school. This is where we generally lose our
21 African-American boys to peer pressure. Evidence
22 has shown that where a two parent household helps
23 young men flourish into successful adults. By
24 reducing [REDACTED] sentence, you will help make sure

1 three young men never enter your courtroom.

2 Sincerely, [REDACTED]

3 Judge, I also would like to present to the
4 Court two things from Mr. [REDACTED] children. One of
5 them is a letter from [REDACTED] to [REDACTED]

6 [REDACTED], where he has -- because of his
7 standardized test scores and grades as well as
8 excellent attendance and good conduct reports he
9 has been offered acceptance in [REDACTED]

10 And a letter from the United States
11 Congress to the parents of Mr. [REDACTED] and [REDACTED]
12 and [REDACTED] Where because of his academic
13 achievement and leadership potential he has been
14 accepted to the [REDACTED] State
15 Conference in Illinois.

16 Judge, I present those as a means of
17 showing demonstrative proof that Mr. [REDACTED] is a
18 positive influence in the lives of his three young
19 sons.

20 Due to his conviction in this offense, Mr.
21 [REDACTED] is going to prison. The only issue today is
22 the length of that. Mr. [REDACTED] does have a
23 background. But he has served his time for those
24 sentences. The legislature has determined that six

1 years is an appropriate sentence for the crimes
2 that Mr. [REDACTED] has been convicted of given certain
3 circumstances.

4 THE COURT: Legislature determined what?

5 MR. MAHONEY: ~~That six years is a~~
6 sufficient amount of time for imprisonment for the
7 crimes he has been convicted of given certain
8 circumstances.

9 THE COURT: How do you arrive at that
10 conclusion? The range of sentence is six to
11 30 years.

12 MR. MAHONEY: Six years under sentence.

13 THE COURT: Minimum sentence.

14 MR. MAHONEY: Under certain circumstances
15 is appropriate.

16 THE COURT: 30 years could be just as
17 appropriate?

18 MR. MAHONEY: Certainly could.

19 THE COURT: Go ahead.

20 MR. MAHONEY: He is going to prison, and I
21 can't see what conceivable difference it makes to
22 society whether he is incarcerated for 18 years or
23 6 years. Drug dealing at Ida B. Wells isn't going
24 to slow down Mr. [REDACTED] incarceration. But three

1 young men who he has demonstrated substantial
2 success with, are now going to be left without a
3 protector and a supporter and a father.

4 I think that six years is more than equal
5 punishment for the crimes that Mr. [REDACTED] has been
6 convicted of. I ask that you reduce his sentence.

7 THE COURT: State.

8 MR. LASKARIS: Judge, you heard the facts
9 of the case. There is substantial drugs involved
10 in this case. In addition 18 years in my opinion
11 is low in regards to this matter.

12 Defendant has an attempt murder in his
13 background. He received six years in IDOC on that
14 in 1994. He also has unlawful use of a weapon by a
15 felon with a background. Received two years IDOC
16 which ran concurrent with the attempt murder. And
17 prior to that he had two prior felonies all
18 involving narcotics.

19 Obviously his rehabilitation potential is
20 limited in regards to the fact that he was given
21 ample time to be rehabilitated by prior arrests,
22 prior incarceration. And defendant chose to live
23 the life he chose.

24 We feel this is sentence is proper.

1 THE COURT: It's true that the Court did
2 impose a very substantial sentence here and for
3 good reason. It was a substantial amount of
4 controlled substances involved here. The defendant
5 in my opinion was caught red handed with the
6 contraband in his own building. The defense simply
7 had no merit to it. All this business about a
8 frame, accusations made against police officers
9 which fell on its face. Held no water at all. If
10 there had been some corroboration, there might have
11 been a different story.

12 He has four prior felony convictions. Two
13 involving drugs. One violent. One with weapons.

14 The legislature set a range of six to
15 30 years. I suppose they were saying for the
16 optimum defendant who had not been caught up with
17 dealing or any other type of problems before, six
18 years would be mandated. He is basically at the
19 mid range of the possible sentence that could be
20 imposed to him. The problem is it's probably
21 harder on his family than it is going to be on him.

22 I am going to modify the sentence to
23 14 years. That will be the sentence.

24 You have a right to appeal from that

1 judgment including any arguments you may have about
2 the sentence or sentencing hearing as well.

3 A notice of appeal must be filed within
4 30 days of today's date.

5 MR. MAHONEY: I will be seeking leave to
6 file that today.

7 THE COURT: All right. Now, he has other
8 matters as well with his wife. You want to have
9 the appellate defender appointed for him.

10 MR. MAHONEY: Yes, Your Honor. Judge, as
11 a house keeping matter on one of the pending cases,
12 there is still a bond posted. I would ask for a
13 CBR. The money is going to be returned to the
14 family. I ask to exonerate the bond money.

15 THE COURT: You want to exonerate the bond
16 on the pending matter?

17 MR. MAHONEY: That is correct, Your Honor.

18 THE COURT: The one with [REDACTED]
19 Bond is exonerated.

20 And do you want the bond to be returned to
21 your lawyer to be returned to your family.

22 THE DEFENDANT: Yes.

23 THE COURT: CBR attorney.

24 What about the remaining matters? He

1 hadn't signed it.

2 MR. MAHONEY: I don't know if you want to
3 have a status date or you want to set the matter
4 down for trial?

5 ~~THE COURT: You can set them down for~~
6 trial. Has the State elected on these?

7 MR. LASKARIS: Yes, Judge. We elected on
8 the 06 CR 8106.

9 THE COURT: Okay.

10 MR. MAHONEY: The defendant will be asking
11 for a jury trial. My August is completely full
12 with an out of town trip and two other juries.
13 Perhaps the week of September 11.

14 THE COURT: 25th.

15 MR. MAHONEY: 25th is fine, Your Honor.

16 THE COURT: September 25th. And that's
17 for both defendants. Can they be tried together?

18 MR. LASKARIS: I am showing on Tuesday
19 September 26 you are not going to be here.

20 THE COURT: What is the 26th? Oh, that's
21 down in Springfield. That's true. You can't use
22 that day.

23 September 18th.

24 MR. MAHONEY: That's fine, Your Honor.

1 THE COURT: September 18th. Both
2 defendants. By agreement.
3 (Which were all the proceedings
4 had in the above entitled cause.)
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1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS
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6 I, DIONE R. RAGIN, Official Court Reporter of
7 the Circuit Court of Cook County, do hereby certify
8 that I reported the proceedings had in the
9 above-entitled cause, that I thereafter caused the
10 foregoing to be transcribed into typewriting, which
11 I hereby certify to be a true and accurate
12 transcript of the proceedings had on this date.

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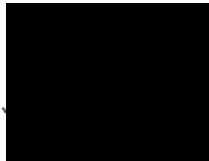

DIONE R. RAGIN,
Official Court Reporter
#084-004066

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION
OFFICE # July-71



THE PEOPLE OF THE
STATE OF ILLINOIS

VS



No.

05 CR 8982

REPORT OF COMPLIANCE

I, Pamela C. Taylor, Assistant Administrator of the Official Court Reporters of the Circuit Court of Cook County, County Department-Criminal Division, do hereby state that on the 5 day of July 2007, the original Report of Proceedings was filed with the Clerk of the Circuit Court, Criminal Division.

PD or SAD or SAO



Pamela C. Taylor
Assistant Administrator,
Criminal Division

Received by: _____
Deputy Clerk, Criminal Division

370 Number of pages

VOLUME 1 OF 1

STATE OF ILLINOIS }
COUNTY OF COOK } ss:

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook
County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above
and foregoing to be a true, perfect and complete copy of VOLUME (TWO) OF A (TWO)
VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS, ONLY. NO PRAECIPE HAVING BEEN
FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE
COURT NO. 06-3352

In a certain cause _____ LATELY _____ pending in said Court, between
The People of the State of Illinois _____ WERE _____, Plaintiffs and
_____ WAS _____, Defendant.

Witness: DOROTHY BROWN,
Clerk of the court, and the Seal thereof, at Chicago
In said County, JULY 06, 2007



Dorothy Brown P.R.
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



05CR008982/A007

Department of Record
Appeal
to

APPELLATE

Court of Illinois

FIRST

District

Circuit Court No. 05 CR 8982

Trial Judge MICHAEL P. TOOMIN

Reviewing Court No. 06-3352

FILED APPELLATE COURT
1ST DIST.

CO. 03-07 4:11:01

STAVENHILL, DAVID
CLERK OF COURT

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

from
CIRCUIT COURT
of

COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

ONE VOLUME - SUPPLEMENTAL (C)
REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

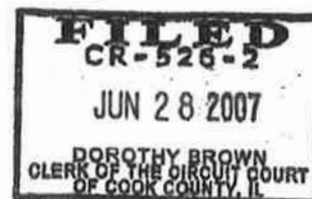
Per DB/KP
Deputy

(Rev. 1/17/01) CCCR 0310

LOG# 1087744
EXHIBIT B

Attachment 35

1 STATE OF ILLINOIS)
2) SS:
COUNTY OF C O O K)
3 IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION
4
5 THE PEOPLE OF THE)
STATE OF ILLINOIS,)
6 Plaintiff,) Criminal
7 vs.) No. 05-08982
8 [REDACTED]) Charge: Mfg/Del Heroin,
[REDACTED]) etc.
9)
Defendants.)
10
11 REPORT OF PROCEEDINGS had of the hearing
12 in the above entitled cause, before the Honorable
13 MICHAEL P. TOOMIN, Judge of said court, on the 5th day
14 of June, 2006.
15 APPEARANCES:
16 HONORABLE RICHARD A. DEVINE,
State's Attorney of Cook County, by:
17 MR. WILLIAM LASKARIS,
Assistant State's Attorney,
18 for the People of the State of Illinois;
19 MR. MATTHEW MAHONEY,
for the defendant.
20
21
22 J. D. Williams, CSR #084-001757
23 Official Court Reporter
2650 S. California Ave.-4C02
24 Chicago, Illinois 60608



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I N D E X

Date of Hearing: 6-5-06

Page Numbers: A-1 through A-33

PROCEEDINGS

WITNESSES	DX	CX	RDY	RCX
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Sgt. Ronald Watts	6	10		
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State rest - 19

Closing Arguments

Defense - 20

State - 29

1 THE CLERK: [REDACTED] co-defendant

2 [REDACTED] Sheet 1, 4, 6, 7.

3 MR. MAHONEY: Good morning, your Honor.

4 Judge, Matthew Mahoney on behalf of both
5 defendants who are present on bond.

6 Your Honor, this matter is set for a bench
7 trial commenced and continuing on today's date. We
8 are not able to proceed. On the last court date I
9 spoke with the court reporter and ordered the
10 transcript and officially ordered it forty-five
11 minutes later. I spoke to her on Friday and she had
12 not completed it. I called Mr. Laskaris and let him
13 know.

14 THE COURT: That's no reason not to proceed.
15 That is no reason at all. The court reporter -- we
16 don't have enough court reporters to be doing daily
17 copy and to be giving you transcripts. We are down
18 four court reporters today.

19 MR. MAHONEY: Judge, the transcript is now
20 finished as of today, Mr. Laskaris received his this
21 morning.

22 THE COURT: So why is that going to hold this
23 up?

24 MR. MAHONEY: I would like time to read it, I

1 have not received my copy yet.

2 THE COURT: What do you have in the way of
3 witnesses?

4 MR. LASKARIS: The defense counsel is calling
5 one witness and he is here. Officer Watts he is
6 here.

7 THE COURT: Yes, well then why can't we call it?

8 MR. MAHONEY: Judge, I would like to read the
9 transcript of the day of the other officer's
10 testimony.

11 THE COURT: Well we're going to be picking a
12 jury, you will have time to do that. We'll work it
13 in sometime today.

14 MR. MAHONEY: Judge, that would be fine if I can
15 get my copy of the transcript.

16 THE COURT: Well, go get it. Go get it.

17 MR. MAHONEY: Okay. Do you have any idea
18 approximate time, your Honor?

19 THE COURT: I could do it before we get the jury
20 up here but apparently you are not ready to do that
21 either.

22 MR. MAHONEY: I just need twenty minutes with
23 the transcript then.

24 THE COURT: Go get your transcript. We'll pass

1 the case.

2 (The above-entitled cause was passed

3 and later recalled:)

4 THE COURT: Are we ready on Mr. [REDACTED]

5 MR. MAHONEY: I'm ready.

6 THE COURT: Ready, okay. [REDACTED]

7 MR. MAHONEY: You want us to approach,

8 your Honor?

9 THE COURT: You what?

10 MR. MAHONEY: You want us to approach?

11 THE COURT: I need to know what you're doing.

12 You have one witness?

13 MR. LASKARIS: One witness, Officer Watts. The

14 State had one officer for Direct case. The defendant

15 testified and we have two rebuttal and we have a third

16 rebuttal witness.

17 THE COURT: This is Sergeant Watts.

18 MR. LASKARIS: Sergeant Watts, yes, sir.

19 THE COURT: All right. Well let's see. Oh

20 this to be rebuttal, right?

21 MR. LASKARIS: Yes. Per allegations during the

22 defendant's testimony.

23 THE COURT: All right, have him seated and we

24 can proceed with Sergeant Watts.

1 Sergeant, step up, please, raise your right
2 hand and face this way.

3 (Witness sworn.)

4 SGT. RONALD WATTS,
5 a witness called on behalf of the People of the State
6 of Illinois, being first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. LASKARIS:

10 THE COURT: Be seated, please.

11 MR. LASKARIS:

12 Q Sir, can you state your name, star number,
13 and current unit of assignment.

14 A Sergeant Ronald Watts, Star No. 2640,
15 assigned to the 2nd District.

16 Q How long have you been a police officer?

17 A Excuse me?

18 Q How long have you been a police officer?

19 A For twelve years.

20 Q How long have you been a sergeant?

21 A For six of those twelve years.

22 Q Directing your attention to March the 23rd,
23 2005, were you on duty on that date?

24 A Yes.

1 Q And what was your duty?

2 A I was sergeant in the 2nd District
3 responsible for an eight man tac team.

4 Q And as being assigned to the eight man team
5 what was your job in relation to the eight man team?

6 A My area of responsibility at that time was
7 to suppress the gang and drug activity in the
8 Ida B. Wells Housing Development.

9 Q And did you make assignments in regard to
10 your team, sergeant?

11 A Yes.

12 Q And on March the 23rd of 2005 who were some
13 members of your team members, do you recall what their
14 names were?

15 A Officer Al Jones, Bob Gonzalez,
16 Brian Bolton, Manuel Leanno, Douglas Nichols,
17 Kenny Young.

18 Q Okay. Now, did you have an assignment for
19 Officer Nichols that day and his partners?

20 A The assignment was to relocate to the
21 extensions which is, it is a six building area in the
22 Ida B. Wells Housing Development.

23 Q And what was their assignment on that date?

24 A To suppress the gang and drug activities in

1 that area.

2 Q And did your team go to that location to the

3 best of your knowledge?

4 A Yes.

5 Q And did they go to the building at

6 527 East Browning Avenue?

7 A Yes.

8 Q And is that an Ida B. Wells, C.H.A.

9 building?

10 A Yes.

11 Q Did you ever tell anybody on your team to

12 look for anybody in particular?

13 A No.

14 Q Did any member of your team ever call you on

15 your cell phone and said they had a person by the name

16 of [REDACTED] in custody?

17 A No.

18 Q Now, you said you were from the

19 2nd District, correct?

20 A Correct.

21 Q You arrived on the scene subsequent to the

22 arrest of the defendant [REDACTED] correct?

23 A Correct.

24 Q Do you see that person in court here today?

1 A Yes.

2 Q Could you point to him and identify an
3 article of clothing that he is wearing for the Court.

4 A The gentleman sitting to my left with the
5 buttoned up olive colored shirt on, short sleeves.

6 MR. LASKARIS: May the record reflect in-court
7 identification of the defendant.

8 THE COURT: Yes.

9 MR. LASKARIS:

10 Q Now, in regard to the defendant at any time
11 did you ever tell him you would not be charged because
12 he was kin to Bat?

13 THE COURT: Because he was what?

14 MR. LASKARIS: Because he was kin to Bat.

15 THE WITNESS: No.

16 MR. LASKARIS:

17 Q At any time did you ever tell the defendant
18 whom you identified in open court as [REDACTED] that
19 you would give him money to shop at the store in the
20 commissary?

21 A No.

22 MR. LASKARIS: Nothing further.

23 MR. MAHONEY: May I proceed, your Honor?

24 THE COURT: You may.

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CROSS-EXAMINATION

BY MR. MAHONEY:

Q Sergeant Watts, do you know somebody named

██████████

A No.

Q You've never heard of an individual named

██████████

A No.

Q Have you ever heard anyone else speak that
name?

MR. LASKARIS: Objection.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

Q Now, how long have you known the defendant
Mr. ██████████

A I've known of ██████████ roughly since about
2003.

Q And that would be in your capacity as a
Chicago police officer?

A Correct.

Q And does Mr. ██████████ live in the Ida B. Wells
Housing Project?

A To my knowledge, yes.

1 Q Have you had conversations with Mr. [REDACTED] in
2 the past?

3 A Yes.

4 Q Specifically did you have a conversation
5 with him on Mother's Day of 2004?

6 A No, not that I recall.

7 Q I'm sorry, could you be a little bit more
8 clear in your answer.

9 Do you not recall having a conversation with
10 him or did you not have a conversation?

11 A No, not that I recall.

12 Q Okay. Well, perhaps I can refresh your
13 memory if you don't recall.

14 Did you have a conversation with him on
15 Mother's Day of 2004 outside the 527 East Browning
16 building where you told Mr. [REDACTED] that you had been
17 out all night, you were drunk, you didn't have any
18 money, it was Mother's Day, and that he needed to give
19 you some money?

20 MR. LASKARIS: Judge, I'll object to relevance.

21 THE COURT: Overruled.

22 THE WITNESS: No.

23 MR. MAHONEY:

24 Q You did not have that conversation with

1 Mr. [REDACTED]
2 A No.
3 Q Were you at Ida B. Wells on Mother's Day?
4 MR. LASKARIS: Objection.
5 THE COURT: Overruled.
6 THE WITNESS: Not that I recall.
7 MR. MAHONEY:
8 Q You don't recall?
9 A No.
10 Q So you don't recall where you were?
11 A Not at this time, no.
12 Q Had you been out drinking the night before
13 Mother's Day, 2004?
14 MR. LASKARIS: Objection, asked and answered,
15 relevance.
16 THE COURT: Overruled.
17 THE WITNESS: Not that I recall, no.
18 MR. MAHONEY:
19 Q Had you been to the gambling boats?
20 A No, not that I recall.
21 Q Do you go to the gambling boats?
22 MR. LASKARIS: Objection, relevance.
23 THE COURT: Overruled.
24 THE WITNESS: Yes.

1 MR. MAHONEY:
2 Q How often do you go to the gambling boats?
3 A It is 2006, I've been once. In the year
4 2005 I probably attended maybe a total of three times.
5 Q And you keep a lot of money, cash around
6 your house?
7 MR. LASKARIS: Objection, relevance.
8 THE COURT: Overruled.
9 THE WITNESS: A hundred bucks. Yeah, one
10 hundred dollars maybe in cash, yes.
11 MR. MAHONEY:
12 Q Well do you ever keep \$12,400 in cash in
13 your house?
14 A At one time, yes.
15 Q Okay. When was that?
16 A I believe August of 4000 -- I mean 2004.
17 Q And you had \$12,400 in cash in your home?
18 A Yes, I did.
19 Q Was that from the boats?
20 MR. LASKARIS: Objection, relevance.
21 THE COURT: What is the relevance of this?
22 MR. MAHONEY: Judge, I was just exploring the
23 issue.
24 THE COURT: What?

1 MR. MAHONEY: I was just exploring the issue.
2 I believe this officer has a lot of unexplained cash.
3 THE COURT: Objection is sustained.
4 MR. MAHONEY:
5 Q On March the 23rd of 2005 you were present
6 for the arrest of Mr. [REDACTED]
7 A No.
8 Q Were you ever on the scene when Mr. [REDACTED]
9 was in custody on March the 23rd of 2005?
10 A Yes.
11 Q Who did you arrive at the scene with?
12 A That particular day I think I arrived at the
13 scene with Officer Jones.
14 Q And that would be Officer Alvin Jones?
15 A Yes.
16 Q And when you arrived at the scene where was
17 Mr. [REDACTED]
18 A I believe he was in the back of the squad
19 car.
20 Q And did you have a conversation with
21 Mr. [REDACTED]
22 A No.
23 Q Did Officer Jones have a conversation with
24 Mr. [REDACTED]

1 A Not to my knowledge.

2 Q I want to direct your attention to June of

3 2004.. Well before I -- strike that.

4 Do you know an individual by the name of

5 [REDACTED]

6 THE COURT: Named who?

7 MR. MAHONEY: [REDACTED]

8 THE WITNESS: No.

9 MR. MAHONEY:

10 Q You don't know an individual named

11 [REDACTED]

12 A No.

13 Q You never arrested him before?

14 A Not that I recall.

15 MR. LASKARIS: Objection, asked and answered.

16 MR. MAHONEY:

17 Q In June of 2004 did you receive a telephone

18 call from an individual who then put Mr. [REDACTED] on the

19 telephone?

20 A No.

21 Q Did you ever have a telephone conversation

22 at any time with Mr. [REDACTED]

23 A No.

24 Q Never?

1 A No.

2 MR. LASKARIS: Objection, Judge, relevance,

3 when.

4 THE COURT: He said never.

5 MR. MAHONEY:

6 Q Have you ever asked Mr. [REDACTED] to give you

7 any money for any reason at any time?

8 A No.

9 Q Did you grow up in Ida B. Wells?

10 MR. LASKARIS: Objection, relevance.

11 THE COURT: Did he what?

12 MR. MAHONEY: Grow up in Ida B. Wells.

13 MR. LASKARIS: Objection, relevance.

14 THE COURT: Overruled.

15 THE WITNESS: No.

16 MR. MAHONEY:

17 Q Did you grow up anywhere in that area?

18 A Not grow up, no.

19 Q Did you ever live in that area?

20 A Yes.

21 Q When was that?

22 A I moved there 706 East 39th Street in 1977.

23 I stayed approximately two summers there.

24 Q And how old were you at that time?

1 A I graduated the 8th grade going into high
2 school, so you know.
3 Q Do you know an individual named
4 [REDACTED] (phonetic)?
5 A Yes.
6 Q How do you know him?
7 A He lived in the area at the time.
8 Q So you knew him when you were growing up?
9 A No.
10 Q Lived in the area at what time?
11 A The time, the two summers that I was there,
12 yes, I knew [REDACTED] we played softball,
13 basketball, those type things.
14 Q So that was before you became a police
15 officer, is that correct?
16 A Yes.
17 Q Did [REDACTED] grow up to be a drug
18 dealer at Ida B. Wells?
19 MR. LASKARIS: Objection, relevance.
20 THE COURT: Sustained.
21 MR. MAHONEY:
22 Q Did you ever take any money from
23 [REDACTED]
24 A No.

1 MR. LASKARIS: Objection, relevance.
2 THE COURT: If you're going to object object
3 before he answers the question. The answer may
4 stand.
5 MR. MAHONEY:
6 Q Do you know an individual by the name of
7 [REDACTED] (phonetic)?
8 MR. LASKARIS: Judge, I'll object, this is all
9 beyond the scope.
10 THE COURT: Sustained.
11 MR. MAHONEY: I have nothing further,
12 your Honor.
13 MR. LASKARIS: Nothing further, Judge.
14 THE COURT: Nothing further?
15 MR. LASKARIS: No.
16 THE COURT: Thank you, you may step down.
17 THE WITNESS: Thank you, sir.
18 (Witness excused.)
19 THE COURT: Anything else from the State?
20 MR. LASKARIS: No, Judge.
21 THE COURT: Anything further from the defense?
22 MR. MAHONEY: No, your Honor.
23 THE COURT: Both sides rest.
24 MR. MAHONEY: Yes, your Honor.

1 MR. LASKARIS: Judge, at this time there is a
2 stipulation that was read into the record I would just
3 like to make it part of the record.

4 MR. MAHONEY: No objection.

5 THE COURT: It was a stipulation?

6 MR. LASKARIS: Yes, Judge, this is the written
7 form signed.

8 THE COURT: Okay.

9 (State rest in rebuttal.)

10 MR. LASKARIS: And, Judge, at this time since
11 the defense has rested I would like to make a motion
12 to strike all the testimony regarding the questions
13 asked of Officer Watts, they are just allegations,
14 nothing was ever proven up, and we feel that all the
15 testimony regarding the cross-examination should be
16 stricken.

17 MR. MAHONEY: Judge, in response I would state
18 as to whether it was proven up or not that is an issue
19 for the Court. Mr. [REDACTED] has certainly testified in
20 this case and he has testified as to what happened
21 between him and Sergeant Watts.

22 In addition, your Honor, Sergeant Watts made
23 denials so I don't believe there is any reason to
24 strike the testimony since he denied any questions,

1 any allegations contained.

2 THE COURT: It is your witness and now you want
3 to strike his denials?

4 MR. LASKARIS: Judge, just cross-examination
5 questions, Judge.

6 THE COURT: Well how can you do that?

7 MR. LASKARIS: Judge, just making a record,
8 that's fine.

9 THE COURT: No, denied.

10 MR. LASKARIS: We'll waive opening.

11 THE COURT: Waive opening?

12 MR. LASKARIS: Yes.

13 THE COURT: Counsel.

14 MR. MAHONEY: Yes, Judge.

15 CLOSING ARGUMENTS

16 BY MR. MAHONEY:

17 Your Honor, this is not the usual case, if
18 there is such a thing. But I would submit to you
19 that this case is usual in the sense that it is a
20 credibility issue. Credibility is at stake here.

21 Some members of the Chicago Police
22 Department have testified and the defendant has
23 testified. Their testimony in large part contradicts
24 one another. The question the Court has to decide is

1 not whether one side or the other proved their case
2 but of course as the Court well knows whether or not
3 the State has proved their case beyond a reasonable
4 doubt.

5 And, Judge, I would submit to you that the
6 testimony of Mr. [REDACTED] which was unimpeached and
7 extremely credible, one of the issues that a court
8 uses in determining whether or not say an informant's
9 information is credible is whether or not that
10 informant may or may not make statements that are
11 against penal interest.

12 During Mr. [REDACTED] testimony he certainly
13 did make statements that were against his penal
14 interest. And that is one of the reasons that I
15 would ask you to look at his testimony as credible and
16 the testimony of the officers as not.

17 And, Judge, before I direct your attention
18 to some specific testimony that I would like you to
19 look at there is an underlying issue in this case and
20 that is that Mr. [REDACTED] has testified very credibly.
21 And what he has testified very credibly about is some,
22 for lack of a better word, dirty police officers, and
23 by dirty I mean corrupt.

24 And, your Honor, this is a problem that

1 plague society. And it plagues society in a way that
2 I would just like to point out because it is not
3 always obvious. But corrupt police officers endanger
4 the lives of good police officers. And the vast
5 majority of police officers are good police officers.
6 But when an individual who is out there on the streets
7 be it a drug dealer or a car thief whatever he may be
8 when he has cases put on him and he has contact with
9 corrupt officers and knows that the system is a no win
10 situation for him that individual is much more likely
11 to react to an arrest, even a legitimate arrest with a
12 violence to escape at any cost because he knows he has
13 no chance. The Court is going to believe the word of
14 the officers and he is just some guy with a background
15 from the projects and nobody is going to take his word
16 for it.

17 Sergeant Watts is taking advantage of this.
18 And by taking advantage of it Sergeant Watts has
19 endangered the lives of all the good police officers
20 who are out there working the streets.

21 But, Judge, how do we know this is the case
22 aside from the fact that Mr. [REDACTED] unimpeached
23 testimony that it is in fact the case. Let's look at
24 the facts and see if maybe there isn't something in

1 the facts that could point us in the direction of
2 who's telling the truth and who's not.

3 And, Judge, first and foremost I would like
4 to bring your attention to the uncontradicted
5 testimony of both the defendant and the arresting
6 officers in this case Gonzalez and Nichols and
7 Mr. [REDACTED] And what we have here is absolutely
8 uncontradicted that Mr. [REDACTED] was stopped on the third
9 floor by Officer Nichols, and that Mr. [REDACTED] --

10 THE COURT: Stopped where?

11 MR. MAHONEY: On the third floor of
12 527 East Browning.

13 THE COURT: Uh-huh.

14 MR. MAHONEY: And that Mr. [REDACTED] ran from
15 Officer Nichols after another individual named [REDACTED]
16 ran. And that Mr. [REDACTED] and [REDACTED] ran down the
17 stairs to the lobby. It's uncontradicted and
18 unimpeached from both Mr. [REDACTED] and Officer Gonzalez
19 that when Mr. [REDACTED] reached the lobby he stopped.

20 Well, Mr. [REDACTED] we know has just run from
21 one police officer so he is running from the police,
22 that is in his mind that day. He gets down to the
23 lobby and according to Officer Gonzalez' testimony
24 Officer Gonzalez is there, he does not physically

1 restrain Mr. [REDACTED] he does not have a gun drawn, he
2 said, according to Officer Gonzalez: I raised my
3 hand. He stopped.

4 Well, I would ask the Court to look at the
5 likelihood that an individual who would run from one
6 police officer who allegedly has a bag of narcotics in
7 his hand is then going to magically stop for another
8 officer. The officer at the bottom he is saying you
9 know what I'm stopping, I still got the bag of drugs
10 in my hand, I already run from one police officer now
11 I'm stopping.

12 No, what happened -- and that's where the
13 contradiction comes in, Mr. [REDACTED] testified that he
14 didn't have a bag of drugs in his hand. And Officer
15 Gonzalez told you that he didn't see a bag of drugs in
16 Mr. [REDACTED] hands until Officer Nichols arrived on the
17 scene.

18 But why would a person with a bag of drugs
19 in his hand run from one police officer and then
20 magically stop for a second police officer who doesn't
21 have his gun drawn and isn't attempting to physically
22 restrain him in any way. It doesn't make sense.
23 When you got a bag of drugs in your hand and you're
24 running from the cops why run from one and stop for a

1 second unless he's got a gun drawn or is physically
2 restrained. So, Judge, that right there I think puts
3 the question of reasonable doubt at issue.

4 A second point that I would like to
5 highlight for the Court is the alleged statement of
6 Mr. [REDACTED] This statement defies credibility. The
7 Court heard Mr. [REDACTED] testify and had an opportunity
8 to observe his demeanor and make an assessment in a
9 relatively short period of time of his intelligence
10 and his street knowledge. And according to the
11 police the defendant, Mr. [REDACTED] statement was:
12 Yeah, the blows in my hand are mine but I don't know
13 nothing about the rocks in my pocket.

14 Well, why are you going to confess to
15 possessing blows, heroin, and denying the cocaine
16 that's in your pocket. Wouldn't a logical person,
17 doesn't it make sense that if Mr. [REDACTED] had drugs in
18 his hands he would have discarded them as he was
19 running down the stairwell. If, which I don't
20 concede for a second, Mr. [REDACTED] had drugs in his hand
21 at the time he was arrested wouldn't it make more
22 sense to say, well the drugs I could have thrown away
23 were the drugs that Officer Gonzalez didn't see in my
24 hand but Nichols got out, I don't know nothing about

1 them but, yeah, I got to admit to the stuff that's in
2 my pocket.

3 But, no, the statement the police chose was
4 a statement that they felt would help them in their
5 frame-up of Mr. [REDACTED] On the admission but we'll
6 throw in a little denial to make it a little bit more
7 believable. Unfortunately they over did it and took
8 it beyond the boundaries of common sense.

9 Judge, Mr. [REDACTED] gave some testimony that I
10 would ask the Court to follow. He admitted that he
11 has sold drugs in and around Ida B. Wells in the past.
12 But during his testimony he said that the police, and
13 I'm paraphrasing, the police are going to catch me
14 they got to catch me right.

15 And we have a little bit of a time line
16 here. Mr. [REDACTED] testified that in May of 2004
17 Officer Watts approached him and told him he had been
18 out all night and he was drunk and he, Officer Watts,
19 needed some money and Mr. [REDACTED] refused.

20 In June of 2004 a month later Mr. [REDACTED]
21 testified that he had a telephone call, a telephone
22 conversation with Sergeant Watts where he was told
23 that if he didn't pay money to Sergeant Watts he was
24 going to have problems with some drugs in a mailbox.

1 Mr. [REDACTED] refused to pay Sergeant Watts his bribe.
2 In July of 2004 Mr. [REDACTED] got charged with
3 the drugs in the mail box.
4 Now, between June of 2002 and July 12th of
5 2004 Mr. [REDACTED] lived in [REDACTED] He is not
6 going anywhere. Yet he received that case and then
7 in November the 24th of 2004 that case was dismissed
8 after a motion to suppress.
9 And if this Court --
10 MR. LASKARIS: Objection, relevance, Judge.
11 THE COURT: It is mere argument.
12 MR. MAHONEY: If this Court will remember
13 because this Court heard that case Mr. [REDACTED]
14 testimony during this case is correct. Mr. [REDACTED]
15 testified when asked by the State that no, a motion to
16 suppress wasn't heard in that case, Mr. [REDACTED]
17 testimony was actually the trial had started and then
18 a motion was filed, and then the motion was heard.
19 And that's correct that is exactly how it happened.
20 A trial did start and after testimony by one of the
21 officers, an Officer Kenneth Young, I did file a
22 motion to suppress which was subsequently granted.
23 Mr. [REDACTED] testified that Officer AJ,
24 Alvin Jones, told him that the next case would stick,

1 the last case Kenny fucked up his testimony. That
2 would have been Kenneth Young who Officer Jones
3 testified was his partner. And that would be the
4 same Officer Young whose testimony led me to file the
5 motion to suppress in the last case.

6 But Officer Jones' warning to Mr. [REDACTED] that
7 the next case would stick is the reason that we're
8 here today, is the reason for the ludicrous statement
9 put on the defendant. And I would ask this Court to
10 empty Officer Joan's threats, and take away some of
11 the power that Ronald Watts yields and this time the
12 made-up case won't stick.

13 Judge, we submit that the State has not
14 proven their case beyond a reasonable doubt. That
15 reasonable doubt surrounds this case. We do not have
16 to prove that Officer Jones and Officer Watts are
17 corrupt police officers although it is certainly our
18 contention, the State has to prove Mr. [REDACTED] guilty
19 beyond a reasonable doubt. And, Judge, there is
20 reasonable doubt in this case and they haven't done
21 it, we would ask you for a finding of not guilty.

22 THE COURT: Mr. Laskaris.
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CLOSING ARGUMENTS

BY MR. LASKARIS:

The guy in this matter, Judge, Officer Watts is not on trial, Officer Jones is not on trial, the defendant is on trial. It is easy for the defendant to take the stand, make allegation after allegation after allegation. And what have you heard? Nothing, nothing to substantiate these allegations.

You heard Officer Watts testify regarding his conversation with the defendant. He never promised to give him money for the commissary once he is arrested. He never promised to let him go because if he knew he was kin to Bat he would let him go.

And you heard testimony from Officer Nichols exactly what happened that day, they went there for one purpose and that was their job. Their duty is with Ida B. Wells go into the building to do a premise check.

The defendant ran from the officer, that's uncontradicted. Both the defendant stated that and Officer Nichols stated that. And what happened he ran down the stairs, ran into Officer Gonzalez. You'll had a chance to see Officer Gonzalez on the stand, he is a large man, large police officer. When

1 the defendant ran down the stairs and ran right into
2 him he knew the game was up, he knew he had nowhere to
3 go, he was in a lobby with Officer Gonzalez as well as
4 his partner waiting for him. Officer Nichols was
5 short, a few feet behind him. And Officer Gonzalez
6 testified credibly, what did he say, initially when I
7 saw him I didn't see anything in his hand but as he
8 turned and Officer Nichols grabbed him that's when I
9 saw the drugs in his hand.

10 There is nothing odd or unordinary with that
11 testimony. Officer Gonzalez testified that [REDACTED]
12 ran right into him, he had no chance to run or move
13 anywhere else.

14 With regard to the statement why would
15 officers makes a statement up, you know, when they say
16 the blows are mine but rocks aren't. If they're
17 going to put a statement on him or frame-up, frame the
18 defendant why not have a better statement in regard to
19 that statement. Why not have other people present
20 for that statement.

21 This is not a frame-up, all this is is
22 allegations, speculation, and the testimony of a
23 defendant who admitted to selling drugs, selling drugs
24 in that area. The defendant has a prior conviction

1 that can weigh into your credibility of the testimony
2 of the defendant regarding this matter. The officers
3 are unimpeached. And again all you have is mere
4 allegations, mere speculations, and on the story that
5 the defendant wants you to believe.

6 Based on all of the evidence regarding this
7 case, the fact that there is no frame-up here, there
8 is no -- we have heard nothing from Officer Nichols
9 for his reason to frame the defendant. The defendant
10 was asked how many occasions from January the 1st,
11 2005, to March the 1st of 2005 were you ever detained
12 or seen or detained or had meetings with some of these
13 officers. He answered yes.

14 Why wouldn't they plant the drugs on him in
15 early January if they're going to do it. Why not
16 frame him in February. Why are they waiting three
17 months after they run into him on numerous occasions
18 as the defendant testified. Why wait until March to
19 put the big frame on the defendant.

20 Everything he says makes no sense at all,
21 just wants you to believe that make-up story. And we
22 have proved the defendant guilty beyond a reasonable
23 doubt based on his stipulation as well as the
24 testimony of the officers.

1 THE COURT: I'm going to take the matter under
2 advisement. I can have a ruling Thursday, Friday,
3 whatever is convenient.

4 MR. MAHONEY: Friday, your Honor.

5 THE COURT: Friday, that's fine.

6 June 9th.

7 MR. LASKARIS: Judge, would you like a copy of
8 the State's transcript from the first.

9 THE COURT: That covers the earlier part of the
10 trial?

11 MR. LASKARIS: Yes.

12 THE COURT: Sure.

13 All of Mr. [REDACTED] matters then will be
14 continued to June the 9th as well as [REDACTED]
15 without subpoenas.

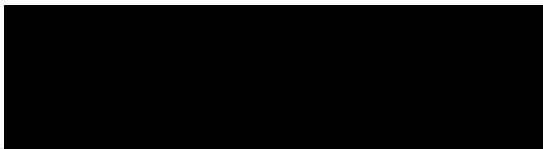
16 MR. MAHONEY: Thank you, Judge.

17 (The above-entitled cause was
18 continued to June 9, 2006.)
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STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, Jewel Williams, an Official Court
Reporter for the Circuit Court of Cook County, County
Department-Criminal Division, do hereby certify that I
reported in shorthand the proceedings had in the above
entitled cause, that I thereafter caused the foregoing
to be transcribed into typewriting, which I hereby
certify to be a true and accurate transcript of the
Report of Proceedings had before the Honorable
MICHAEL P. TOOMIN, Judge of said court.



Official Court Reporter
084-001757

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION
OFFICE # 1311 / July - 83

THE PEOPLE OF THE
STATE OF ILLINOIS

VS Ben
Baker

No. OSCR 8982

REPORT OF COMPLIANCE

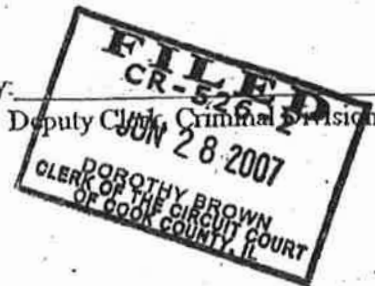
I, Pamela C. Taylor, Assistant Administrator of the Official Court Reporters of the Circuit Court of Cook County, County Department-Criminal Division, do hereby state that on the 27 day of June 2007, the original Report of Proceedings was filed with the Clerk of the Circuit Court, Criminal Division.

PD or SAD or SAO

Pam Taylor

Pamela C. Taylor
Assistant Administrator,
Criminal Division

Received by:



Deputy Clerk, Criminal Division

33 Number of pages

VOLUME 1 OF 1

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of A ONE VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS; ONLY. NO PRAECIPE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 06-3352

in a certain cause _____ LATELY _____ pending in said Court, between
The People of the State of Illinois _____ WERE _____, Plaintiffs and
_____ WAS _____, Defendant.

In said County, JULY 2, 2007



Dorothy Blew
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the matter.

THIRD DIVISION
December 31, 2008

Carlson

No. 1-06-3352

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 05 CR 8982
)	
[REDACTED])	Honorable
)	Michael P. Toomin,
Defendant-Appellant.)	Judge Presiding.

ORDER

Following a bench trial, defendant [REDACTED] was convicted of three counts of possession of a controlled substance with intent to deliver and was sentenced to 14 years' imprisonment. On appeal, he argues that his trial counsel was ineffective for failing to call two witnesses who could have corroborated his testimony. For the following reasons, we affirm.

On March 23, 2005, defendant was arrested and later charged by indictment with one count of possession of heroin with intent to deliver under section 401(a)(1)(A) of the Illinois

LOG# 1087744
Attachment EXHIBIT LI 36

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Controlled Substances Act (Act) (720 ILCS 570/401(a)(1)(A) (West 2006)) (count 1), possession of cocaine with intent to deliver under section 401(c)(2) of the Act (720 ILCS 570/401(c)(2) (West 2006)) (count 2), possession of cocaine with intent to deliver within 1,000 feet of a school (720 ILCS 570/407(b)(1) (West 2006)) (count 3), and possession of cocaine with intent to deliver on public housing property (720 ILCS 570/407(b)(1) (West 2006)) (count 4). Officer Douglas Nichols and his partner, Officer Manuel Leano, were the arresting officers.

During discovery, defense counsel sought an *in camera* inspection of complaints and investigations in the files of the Chicago Police Department's Internal Affairs Division (IAD) that pertained to Officers Nichols and Leano, Sergeant Ronald Watts, Officer Alvin Jones, and Officer Robert Gonzalez, all of whom were assigned to patrol the Ida B. Wells public housing project. The court conducted an *in camera* inspection of those reports and documents and agreed to release them to the State and defense counsel when the IAD investigation had been completed.

Several weeks later, defense counsel informed the court that defendant was arrested for a weapons violation by one or more of the officers whose personnel files he requested. At some point during that arrest, defendant gave a statement to police concerning potential misconduct by one or more of the officers.

Within one month before trial was set to begin, the court released the IAD reports and documents to the State and defense counsel. Among the documents they received were: a criminal background check on Sergeant Watts conducted by the Illinois State Police, an Intelligence Contribution Report prepared by the Statewide Terrorism and Intelligence Center, and the results of an investigation into a property damage complaint filed against Sergeant Watts

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following a police pursuit.

They also received a copy of an April 14, 2005, interview with [REDACTED] a suspected gang member and drug dealer living in the Ida B. Wells housing complex, conducted by members of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the federal Drug Enforcement Agency, two Chicago police sergeants, and a Chicago Police Department gang specialist (ATFE report).

The ATFE report revealed that [REDACTED] knew Sergeant Watts and Officer Jones as the officers currently assigned to patrol the Ida B. Wells housing complex, and Officer Kallat Mohammed as a former member of that patrol. [REDACTED] alleged that he paid Sergeant Watts whenever Watts "caught" him or his associates with narcotics or weapons. In total, [REDACTED] alleged that he paid Sergeant Watts \$7,000. He recounted a specific occasion on which he gave Sergeant Watts two rifles and his associate, Roy Bennett, also known as "[REDACTED]" gave him \$10,000. [REDACTED] also paid bribes to Officer Jones. However, he provided no dates or time frames for when these payments occurred. According to [REDACTED] Sergeant Watts, Officer Jones, and Officer Mohammed did not "let the white officers know what is going on."

An internal IAD memo from September of 2004 indicated that a confidential informant told an IAD agent, among others, that unknown public housing unit officers were taking money from drug dealers in exchange for allowing them to continue selling drugs. The informant claimed that one of the officers approached him asking for payment and when the informant ran away, the officer shot at him. Another IAD memo suggested that the informant was [REDACTED] another suspected gang member and drug dealer in the Ida B. Wells complex, and Sergeant Watts was the

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officer who shot at him.

Another IAD memo revealed that defendant and defense counsel met with IAD and the State's Attorney in May of 2005. Defendant told the agents that Sergeant Watts wanted defendant to pay him "to stay in business," but defendant refused. Defendant claimed that "his present case in court was placed on him by Sergeant Watts." He asserted that other drug dealers paid Sergeant Watts in order to continue selling drugs. Defendant also offered to work as a confidential informant. The report indicated that defendant's allegations against Sergeant Watts were "essentially the same" as those offered by [REDACTED] and [REDACTED] in the ongoing investigation involving Sergeant Watts. It also stated that "[t]hese three men had no knowledge the other was

On the day of trial, defense counsel filed a formal discovery response. Defendant indicated that he may or may not testify. Counsel also indicated that he might call Sergeant Watts, Officer Jones, Officer Mohammed, and IAD Agent Calvin Holliday to testify on defendant's behalf. Defense counsel's theory of the case was that the State could not prove defendant guilty beyond a reasonable doubt. During opening argument, counsel argued that the entire case was fabricated by Sergeant Watts as revenge for defendant's refusal to pay Watts a bribe to continue selling drugs. He contended that "everything that happened in this case has Sergeant Ronald Watts's fingerprints all over it."

The State then proceeded to call Officer Nichols as its first witness. He testified that he and his partner, Officer Leano, patrolled the public housing building at 527 E. Browning Avenue for narcotics activity. As they arrived on the third floor of the building, they saw defendant

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engaged in a suspected narcotics transaction. Officer Nichols testified that he followed as defendant ran downstairs and announced the foot chase over his police radio. When Nichols reached the first-floor lobby, Officer Gonzalez had detained defendant, who was still holding a plastic bag containing 110 packets of a substance later determined to be heroin. Officer Nichols conducted a custodial search and recovered \$819 in cash and another bag containing 68 packets of a substance later determined to be crack cocaine from his pants pockets.

On cross-examination, defense counsel probed Nichols's relationship with Sergeant Watts. Officer Nichols stated that Sergeant Watts was his supervisor and wrote his performance reviews. He testified that Sergeant Watts assigned him to patrol the 527 E. Browning building because there was a lot of narcotics activity in the building, but denied that Watts told him to look for anybody in particular. He also denied that he had ever seen Sergeant Watts engage in any criminal activity.

The State also introduced two stipulations into evidence. First, Officer Leano would testify that he preserved the chain of custody for the recovered narcotics and sent them to the Illinois State Police Crime Lab. Second, a forensic chemist from the crime lab would testify that he tested the substances sent by Officer Leano and concluded that they consisted of 41.1 grams of heroin and 13.9 grams of cocaine. The State then rested.

Defendant then testified on his own behalf. He first admitted that he had been convicted of four felonies. He then recounted that in June of 2004, his friend, [REDACTED] told him that Sergeant Watts and other unnamed officers recovered heroin from a mailbox at the 527 E. Browning building. According to defendant, the officers told [REDACTED] that they knew the drugs

belonged to defendant and that when they saw him again, they intended to arrest him.

Defendant also testified that later that same month, he was contacted by [REDACTED] another resident of the Ida B. Wells complex and Watts's "snitch." [REDACTED] and defendant called Sergeant Watts at Watts's request. According to defendant, Sergeant Watts told [REDACTED] that if defendant paid Watts \$1,000, "the case would go away." Because defendant had no arrests pending, he believed that Sergeant Watts meant that he would not arrest defendant for possession of the heroin found in the mailbox if defendant paid the \$1,000 bribe. Defendant then spoke to Sergeant Watts on the telephone. Watts told him that even if he paid the money, he would still be arrested, but that Watts would arrange for defendant to avoid conviction. Defendant testified that he refused to pay the bribe.

Three weeks later, Sergeant Watts and three other unnamed men entered defendant's apartment with guns drawn. Watts accused defendant of selling drugs in the hallway, which defendant denied. Sergeant Watts then handcuffed defendant and told him that if he found drugs in the apartment, he would be arrested for possessing them. However, if he did not find any drugs, then defendant would be arrested for possession of the heroin found in the mailbox. Defendant testified that Sergeant Watts arrested him and he served four and one-half months in prison before the charges were dismissed in November of 2004. The court reserved ruling on the State's objection to relevance at this point and permitted defense counsel to proceed.

A week after his release, defendant testified that he spoke with Officer Jones and another unnamed officer. Defendant stated that he accused Officer Jones of framing him for possession of heroin in the recently-dismissed case. Officer Jones responded that the "next time we get you [the

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charges] will stick." Defendant was arrested on the current charges approximately four months later.

On March 23, 2005, defendant testified that he was walking near the third-floor hallway in the 527 E. Browning building when he saw two individuals whom he identified as [REDACTED] [REDACTED] known as [REDACTED] and [REDACTED] whose name defendant did not know. [REDACTED] was holding a plastic bag containing cocaine. As he passed by the two men, Officer Nichols entered the third-floor hallway with his gun drawn. Officer Leano was not with him. Officer Nichols then ordered all three men stand against the wall. However, [REDACTED] and defendant ran downstairs. Defendant testified that he ran because he thought the officers would frame him for drug possession again, as Officer Jones had threatened.

When defendant reached the first floor, he was detained by Officer Leano, who handcuffed him and put him in a squad car. He denied that he was carrying any drugs. Officer Nichols then exited the building carrying two plastic bags. Defendant then testified that Officer Nichols made a telephone call and about one minute later, Sergeant Watts and Officer Jones arrived in their squad car. According to defendant, Officer Jones then told him, "I told you we were going to get you." He also testified that when he was being processed at the police station, Sergeant Watts told him that had he known earlier that defendant was related to a fellow officer, he would not have arrested him, but that he would give defendant money while he was in prison as a consolation.

The State then called Officer Jones as a rebuttal witness. He testified that on the day of defendant's arrest in this case, he responded to a radio report of a chase in progress at the 527 E. Browning building. He testified that he arrived at the building about a minute after he heard the

call. By the time he arrived, defendant was already in the squad car. He denied having any conversations with defendant that day. He also denied making any of the statements attributed to him by defendant. On cross-examination, Officer Jones acknowledged that he knew [REDACTED] but denied that he had ever taken money from him. He also testified that he had never seen Sergeant Watts take any money from drug dealers.

Officer Gonzalez also testified on rebuttal. He testified that he and his partner also responded to the radio report of a chase in progress at the 527 E. Browning building and the remainder of his testimony was consistent with that of Officer Nichols. On cross-examination, he acknowledged that Officer Jones and Sergeant Watts arrived at the building after the arrest, but denied seeing Officer Jones have a conversation with defendant.

Sergeant Watts testified in rebuttal as well. He stated that on the day of defendant's arrest, he assigned his team of officers to suppress gang and drug activity at the Ida B. Wells complex, but denied that he told any of the officers to look for a particular person. Sergeant Watts also denied making any statements to defendant after his arrest, either while defendant was in the squad car or later at the police station. He also denied seeing Officer Jones speak to defendant that day. On cross-examination, Sergeant Watts denied ever asking defendant for money. He also denied knowing [REDACTED] and denied that he ever had a telephone conversation with defendant or [REDACTED] in June of 2004.

The parties then offered closing arguments. Defense counsel argued that defendant's testimony was credible because he made statements against his own penal interest in order to expose Sergeant Watts and Officer Jones as corrupt police officers. In response, the State argued

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that defendant's story contained unproven allegations about being framed.

The court found defendant guilty on counts 1, 2, and 4, stating specifically that defendant's testimony was self-serving, uncorroborated, and contradicted by the credible testimony of the four police officers. The court reiterated its findings at the sentencing hearing, stating that there was no evidence presented to reinforce defendant's version of events. At the hearing on defendant's motion to reconsider sentence, the court again stated that the defense was meritless and that "if there had been some corroboration, there might have been a different story."

Relying on that statement by the trial court, the only issue defendant raises on appeal is that his trial counsel was ineffective because he failed to call [REDACTED] or [REDACTED] specifically, to corroborate defendant's testimony.

To establish a claim of ineffective assistance of counsel, a defendant must satisfy the familiar two-part test first announced in Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), and adopted in People v. Albanese, 104 Ill. 2d 504, 473 N.E.2d 1246 (1984). First, the defendant must prove that counsel's performance was so deficient and his errors so serious that he was not functioning as the "counsel" guaranteed by the sixth amendment. People v. Manning, 227 Ill. 2d 403, 416, 883 N.E.2d 492, 501 (2008). We measure counsel's performance by an objective standard of reasonableness. Manning, 227 Ill. 2d at 416, 883 N.E.2d at 501. Second, a defendant must prove that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Manning, 227 Ill. 2d at 418, 883 N.E.2d at 502. To succeed on a claim of ineffective assistance of counsel, both prongs of the Strickland test must be satisfied. Manning, 227 Ill. 2d at 418, 883 N.E.2d at

Decisions regarding which witnesses to call are matters of trial strategy, reserved to the discretion of trial counsel. People v. Enis, 194 Ill. 2d 361, 378, 743 N.E.2d 1, 12 (2000). Those strategic choices made by defense counsel after a thorough investigation of the law and facts relevant to the plausible options are strongly presumed to reflect sound trial strategy rather than incompetence; thus, they are "virtually unchallengeable." People v. Harris, 225 Ill. 2d 1, 49, 866 N.E.2d 162, 190 (2007), quoting Strickland, 466 U.S. at 690, 104 S. Ct. at 2066, 80 L. Ed. 2d at 695. Although in some cases, counsel may be deemed ineffective for failing to call witnesses whose testimony would support an otherwise uncorroborated defense, that decision would have to be so irrational and unreasonable that no reasonably effective defense attorney would have pursued such a strategy under the circumstances. People v. King, 316 Ill. App. 3d 901, 916, 738 N.E.2d 556, 566 (2000). The reasonableness of the decision not to call a particular witness may also be judged with reference to defendant's own testimony. Enis, 194 Ill. 2d at 409-10, 743 N.E.2d at 28.

Here, defendant's claim fails because we find nothing objectively unreasonable about defense counsel's decision not to call [REDACTED] or [REDACTED] as defense witnesses. Counsel was diligent in investigating the facts surrounding defendant's claims of police misconduct, as evidenced by his meetings and negotiations with IAD and the State's Attorney, his persistence in seeking the court's *in camera* review of the IAD documents, his persistence in securing their release to him after the close of the IAD investigation, and his scrutiny of Sergeant Watts and Officer Jones on cross-examination. In light of that degree of investigation, defendant would have to show that

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defense counsel's refusal to call [REDACTED] and [REDACTED] was so irrational that no reasonable attorney would have pursued that strategy. See King, 316 Ill. App. 3d at 916, 738 N.E.2d at 566. He has not done so here.

Defendant's theory was that Sergeant Watts had been plotting to frame him for drug possession for the preceding nine months, after defendant refused to pay him a bribe. He testified that Officer Jones was complicit in the scheme. He testified that Officers Nichols and Leano were the ones who arrested him in this case and that Sergeant Watts and Officer Jones arrived after his arrest. To the extent that defendant implies that Nichols or Leano were complicit in the scheme to frame him, [REDACTED] statements in the ATFE report contradict that theory.

The ATFE report indicates that [REDACTED] accused Sergeant Watts and Officer Jones of taking bribes from him. He did not implicate Officers Nichols or Leano in the bribery scheme. In fact, he specifically stated that Watts, Jones, and Jones's partner, Officer Kenny Young, did not tell the other officers about their ongoing bribery scheme. Counsel cannot be expected to present testimony that contradicts his client's version of events. People v. Johnson, No. 1-06-0833, slip op. at 13 (September 8, 2008), citing Enis, 194 Ill. 2d at 410, 743 N.E.2d at 28. Therefore, we cannot say that counsel acted irrationally or unreasonably by not calling [REDACTED] to testify.

As for [REDACTED] the record contains no interviews with [REDACTED] as there was with [REDACTED]. This record merely contains reports prepared by an IAD agent which suggest that Sergeant Watts shot at [REDACTED] after he refused to pay a bribe. Even if [REDACTED] testified to the events as described by the IAD agents, his allegations implicate Sergeant Watts alone. There is no indication that [REDACTED] implicated the arresting officers, Nichols and Leano, in a bribery scheme, and therefore, his

potential testimony would not necessarily have corroborated defendant's version of events. Defense counsel would have acted reasonably in concluding that the substance of [REDACTED] potential testimony was too tangential to be effective. See People v. Marshall, 375 Ill. App. 3d 670, 677, 873 N.E.2d 978, 984 (2007) (concluding that counsel may reasonably decline to call a witness when the testimony will not further defendant's case); see also People v. Campbell, 332 Ill. App. 3d 721, 732, 773 N.E.2d 786, 785 (2002) (finding counsel acted reasonably when he declined to call two disinterested eyewitnesses who would have further implicated the known assailants but would not have exonerated the defendant).

Defendant suggests that his counsel was ineffective for not presenting the court with all available evidence and testimony about the bribery scheme, regardless of how powerful or germane it was to his defense. However, that is not the standard by which we must measure counsel's performance. As Strickland warned, it is "all too tempting" for a defendant or a court of review to second-guess defendant's representation after a conviction. However, it is incumbent upon the court of review "to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." Strickland, 466 U.S. at 689, 104 S. Ct. at 2065, 80 L. Ed. 2d at 694. As we have explained above, defense counsel made reasonable strategic decisions not to call [REDACTED] or [REDACTED] opting instead to cross-examine Sergeant Watts, Officer Jones, and the other officers about the allegations of misconduct. That another attorney would have acted differently does not render counsel's representation ineffective here. People v. McCullum, No. 1-05-3260, slip op. at 14 (October 15, 2008).

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Although defendant's allegations of misconduct against Sergeant Watts and Officer Jones are no doubt disconcerting, for the reasons stated above, defendant failed to establish that defense counsel's performance was deficient for not calling [REDACTED] or [REDACTED] to testify. Thus, we need not determine whether there was prejudice. Manning, 227 Ill. 2d at 418, 883 N.E.2d at 502 (holding that the failure to establish either prong of the Strickland test will be fatal to the defendant's claim). Accordingly, we affirm defendant's conviction.

Affirmed.

THEIS, J., with QUINN and COLEMAN, JJ., concurring.

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,
Respondent,

v.

██████████
Defendant-Petitioner,

No. 05 CR 8982-01

The Honorable
Nicholas Ford
Judge, Presiding.

AFFIDAVIT OF PETE KOCONIS

I, Pete Koconis, being first duly sworn and under penalties of perjury, swear and state as follows:

1. I was a Chicago police officer for 38 years. I retired on July 3, 2009.
2. I was assigned to the Chicago Police Department Internal Affairs Division (IAD) for 18 years, up through 2004 or 2005. I began as an investigator, was promoted to agent, and then promoted again to Sergeant while in IAD.
3. In June 1999, I was assigned to what was called the Chicago Housing Authority (CHA) Transition Team tasked with assessing the effectiveness of the CHA police department. It was during this assignment that I first became aware of corruption at CHA and the District Two officers.
4. All of the information that was gathered through this assignment at the CHA was turned over to the Federal Bureau of Investigation (FBI). I know the FBI conducted a detailed investigation including surveillances of the housing authority police and related District Two police officers for many years. The FBI's investigation was still ongoing by the time I left IAD in 2004 or 2005.
5. IAD personnel were assisting the FBI at times during their investigation. I was not directly involved in the day-to-day operation of this investigation, but because of how long I had been with IAD, I was consulted by my colleagues many times during that investigation.
6. Sergeant Ronald Watts and Officer Kallatt Mohammed were targets of the investigation. They were not, however, the only targets. There were multiple members of Watts'

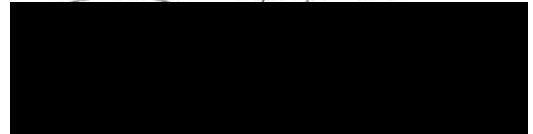
LOG# 1087744 EXHIBIT MM

Attachment 37

tactical team that were also targets of the FBI's investigation and that were allegedly involved in criminal activity.

7. I am aware that Officers Brian Bolton, Robert Gonzalez, Alvin Jones, and Douglas Nichols worked in consort with Sergeant Watts and were being investigated by the FBI.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the states set forth in this instrument are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies that he believes the same to be true.



Pete Koconis

Subscribed and sworn to me,

On this day 14 December, 2015



12/14/15

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE STATE)
7 OF ILLINOIS,)
8)
9 Plaintiff,)
10)
11 vs.) No. 05 CR 08982 (01)
12)
13)
14)
15 Defendant.)

16 REPORT OF PROCEEDINGS had before the HONORABLE
17 LEROY MARTIN, Judge of said Court, on the 22nd day
18 of February, A.D., 2016.

19 APPEARANCES:

20 HON. ANITA M. ALVAREZ,
21 State's Attorney of Cook County, by:
22 MR. TODD DOMBROWSKI,
23 Assistant State's Attorney,
24 On behalf of the People;

MR. JOSHUA TEPPER,
On behalf of the Defendant.

25 KRISTEN M. PARRILLI, CSR, RPR
26 Official Court Reporter
27 Criminal Division
28 CSR: #084-004723

1 THE COURT: Counsel on [REDACTED] is your
2 client here?

3 MR. TEPFER: He is, your Honor.

4 THE COURT: All right. Why don't you all come up
5 on this matter.

6 This is the matter of [REDACTED] It was
7 continued from Thursday of last week, I believe.

8 MR. TEPFER: Yes, your Honor.

9 THE COURT: Good morning, gentlemen. For the
10 record, please ...

11 MR. TEPFER: Good morning, your Honor. [REDACTED]
12 [REDACTED] T-E-P-F-E-R, and my client, [REDACTED] present
13 in court.

14 MR. DOMBROWSKI: And, good morning, your Honor.
15 For the record, Assistant State's Attorney Todd
16 Dombrowski stepping up for my supervisor, Celeste
17 Stack.

18 THE COURT: Thank you, gentlemen.

19 Thank you, Mr. [REDACTED] for your indulgence. I
20 wanted an opportunity to read the petition more
21 thoroughly, as well as to look at the exhibits that
22 were attached -- that your lawyer attached by way of a
23 CD with the information on it. And I got a chance to
24 look at that.

1 Having read through all of this, I will say
2 this to you, Mr. [REDACTED] Since my time assigned to this
3 courtroom, I have seen a number of these, and in all
4 candor, I have not granted one because, in my opinion,
5 no one has proven -- because the burden remains on an
6 individual in your position to prove by a preponderance
7 of the evidence that they are entitled to a certificate
8 of innocence. And I have never granted one of these
9 until today.

10 And so after having read through this and
11 considered it, it appears to me that you are entitled
12 to the relief that you are asking for. I believe that
13 you have proven through your lawyer by a preponderance
14 of the evidence each of the elements that is required
15 to be proven when seeking a certificate of innocence.

16 I would note just in passing that it seemed
17 to me that Judge Toomin, too, had some
18 uncomfortableness with what had taken place in this
19 matter, but remained unconvinced that without some
20 corroboration to your version of what occurred, he was
21 compelled to find you guilty of those charges.

22 It seems to me now that there has been some
23 corroboration to what you asserted during that period
24 of time. And, therefore, I have used many words to

1 say, quite simply, that your petition for certificate
2 of innocence is granted.

3 THE DEFENDANT: Thank you.

4 THE COURT: And, counsel, you'll give me an order
5 to that effect?

6 MR. TEPFER: I will.

7 THE COURT: And I'll sign it and we'll be all
8 done.

9 (A brief pause.)

10 THE COURT: Thank you. All right. I've signed
11 the orders. Get the clerk to stamp those. Good luck
12 to you, Mr. [REDACTED]

13 THE DEFENDANT: Thank you, sir.

14 THE COURT: You are welcome quite much -- quite a
15 bit, sir. All right.

16 Thank you, Counsel.

17 MR. TEPFER: Thank you, your Honor.

18 THE COURT: All right. Have a good one.

19 (Which were all the proceedings had
20 in the above-entitled cause.)
21
22
23
24

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4

5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT - CRIMINAL DIVISION

7 I, Kristen M. Parrilli, an Official Court
8 Reporter for the Circuit Court of Cook County,
9 Illinois, Judicial Circuit of Illinois, do hereby
10 certify that I reported in shorthand the proceedings
11 had on the hearing in the above-entitled cause; that
12 I thereafter caused the foregoing to be transcribed
13 into computer-aided transcription, which I hereby
14 certify to be a true and accurate transcript of the
15 proceedings had before the HONORABLE LEROY MARTIN
16 Judge of said court.

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KRISTEN M. PARRILLI, CSR, RPR
CSR No. 084-004723
Official Court Reporter
Circuit Court of Cook County
County Department
Criminal Division

Dated this 21st day
of March, A.D., 2016.